

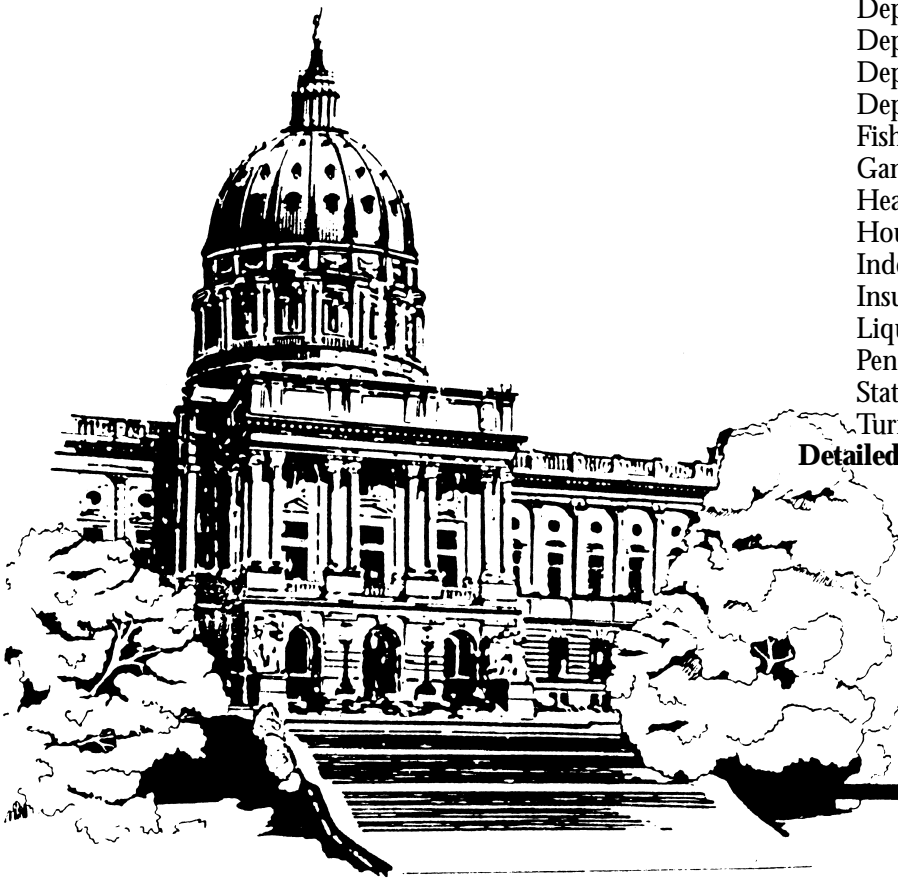
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
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Housing Finance Agency
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Employees' Retirement Board
Turnpike Commission

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No. 324, November 2001

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 85]

Amendments to the Rules of Organization and Procedure of the Board Relating to the Time for Submission of Complaints

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering amending its Rules of Organization and Procedure as set forth in Annex A to eliminate in certain circumstances the current time limitation on complaints against respondent-attorneys alleging ineffective assistance of counsel or prosecutorial misconduct.

The Rules of the Board currently provide that complaints against respondent-attorneys involving alleged misconduct occurring more than four years before the date of the complaint will generally not be considered. See 204 Pa. Code § 85.10. The Board believes that it may take more than four years for some cases of ineffective assistance of counsel or prosecutorial misconduct to come to the attention of the Board. Thus the Board is proposing to amend Section 85.10 of its rules to provide that the generally applicable four year period within which complaints must be submitted will be tolled while there is litigation pending that results in a finding of ineffective assistance of counsel or prosecutorial misconduct.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before November 21, 2001.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCTS

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.10. Stale matters.

* * * * *

(b) *Exceptions.* The four year limitation in subsection (a) shall:

* * * * *

(2) Be tolled during any period when there has been litigation pending that has resulted in a finding that the subject acts or omissions involved civil fraud, **ineffective assistance of counsel or prosecutorial misconduct** by the respondent-attorney.

[Pa.B. Doc. No. 01-1951. Filed for public inspection November 2, 2001, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CHS. 1 AND 7]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 23rd day of October, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted proposed amendments to Rules of Procedure No. 102, 701, and 704—708, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A

TITLE 207. JUDICIAL CONDUCT PART IV. COURT OF JUDICIAL DISCIPLINE ARTICLE I. PRELIMINARY PROVISIONS CHAPTER 1. GENERAL PROVISIONS IN GENERAL

Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

* * * * *

Conference Judge is a Court member appointed by the President Judge following the filing of a Board Complaint, to preside at the pre-trial conference, to rule on the omnibus motion, and, during a panel hearing, to make evidentiary rulings. A Conference Judge may also be appointed by the President Judge to rule on [**preliminary motions**] **petitions filed** in proceedings other than those initiated by the filing of a Board Complaint.

ARTICLE III. OTHER PROCEEDINGS

CHAPTER 7. OTHER RELIEF

Rule 701. Other Relief Generally.

Whenever the Board [**or a Judicial Officer**] seeks relief [**on grounds**] other than **by** the filing of formal

charges pursuant to Article V, § 18(b)(5) of the Pennsylvania Constitution, it shall be initiated by a Petition for Relief as provided in this Chapter.

* * * * *

Rule 704. [Motion to Dismiss] Conference Judge.

[Any party may file a motion to dismiss the petition on any legal ground within 14 days after the service of the petition unless the Court shortens or lengthens the time for filing such motion.

The motion shall state with particularity the grounds for the motion and the facts and legal principles which support each ground. The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.] The President Judge may appoint a member of the Court to serve as Conference Judge on the case as provided by the rules of this Chapter 7.

Rule 705. [Reply to Motion to Dismiss] Hearing or Argument.

(A) [Any party may file a reply to the motion to dismiss within 10 days of the filing of the motion unless the Court shortens or lengthens the time for filing such reply.] The Conference Judge may schedule argument or an evidentiary hearing on the petition.

(B) [The reply shall be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion. The reply shall meet the allegations of the motion.] The President Judge may schedule argument before the full Court on the petition.

(C) Any decision on the petition shall be made by the full Court.

Rule 706. [Preliminary Motions.

(A) Preliminary motions in a matter other than one commenced by the filing of formal charges may be decided by a Conference Judge appointed by the President Judge for that purpose. The Conference Judge may schedule a hearing or argument on the motion, as is appropriate, or may defer any ruling to be decided by the Court. No ruling on a preliminary motion shall constitute a final order for the purpose of appeal.

(B) A decision by the Conference Judge which has the effect of terminating a proceeding based on a Petition for Relief shall be reviewed by the full Court. A majority vote shall be required to sustain such a decision.

Rule 707.] Verification.

A petition[,] or answer [, motion or reply] which sets forth facts which do not already appear of record,

shall be verified by the party filing it or by counsel for the Board, subject to penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

[Rule 708. Hearing or Argument.

The Court may schedule argument or an evidentiary hearing on the petition.]

[Pa.B. Doc. No. 01-1952. Filed for public inspection November 2, 2001, 9:00 a.m.]

PART IV. COURT OF JUDICIAL DISCIPLINE
[207 PA. CODE CH. 4]

Amendment to the Rules of Procedure of the
Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 23rd day of October, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rule of Procedure No. 411, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE
FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 411. Omnibus Motion.

(A) All motions, challenges, and applications or requests for an order or relief on behalf of the Judicial Officer shall be consolidated in one written motion, except as otherwise provided in these rules, or as permitted by the Conference Judge. The omnibus motion shall be filed no later than 30 days from the [filing] effectuation of the service of the Board Complaint, and shall be served on the Board.

* * * * *

[Pa.B. Doc. No. 01-1953. Filed for public inspection November 2, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Frank James Griffin having been disbarred by consent from the practice of law in the State of New Jersey by Order dated April 19, 2001, the Supreme Court of Pennsylvania issued an Order on October 22, 2001, disbaring Frank James Griffin from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-1954. Filed for public inspection November 2, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Margaret Elizabeth Hiller-Polster, having been suspended from the practice of law in the State of Utah for 3 years, with 2 years of the suspension stayed, the Supreme Court of Pennsylvania issued an Order dated October 22, 2001, suspending Margaret Elizabeth Hiller-Polster from the practice of law in this Commonwealth consistent with the Order of the

Third Judicial District Court in and for Salt Lake County, State of Utah. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-1955. Filed for public inspection November 2, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that James Herbert Wolfe, III having been suspended from the practice of law in the State of New Jersey for 3 months, the Supreme Court of Pennsylvania issued an Order dated October 22, 2001, suspending James Herbert Wolfe, III from the practice of law in this Commonwealth, for 3 months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-1956. Filed for public inspection November 2, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 258]

Medical Assistance Real Estate Recovery

The Department of Public Welfare (Department), by this order, under the authority of sections 201(2), 1410 and 1412 of the Public Welfare Code (62 P. S. § 201(2), 1410 and 1412) (act) adds Chapter 258 (relating to MA estate recovery) to implement a Medical Assistance (MA) estate recovery program to read as set forth in Annex A.

Notice of proposed rulemaking was published at 29 Pa. B. 3888 (July 24, 1999).

Need for the Regulations

The purpose of these regulations is to interpret and implement section 1412 of the act that requires the Department to establish and implement an MA estate recovery program. The regulations will implement requirements of the Federal Medicaid Program (42 U.S.C.A. § 1396p(b)(1)), which mandate that each state operate an estate recovery program.

Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v) established the Medicaid program in 1965 as a cooperative Federal-state program through which various health care services are provided to individuals who are poor and needy. Under Title XIX, a participating state shall designate a single state agency to administer or supervise the administration of the state Medicaid program. See 42 U.S.C.A. § 1396a(a)(5). The designated state agency shall prepare an MA plan consistent with Federal law and regulations and submit it to the Health Care Financing Administration (HCFA) of the United States Department of Health and Human Services (DHHS), for approval. Upon approval of its plan by HCFA, the state becomes eligible for Federal matching funds for reimbursement of the cost of specific types of medical care and services. See 42 U.S.C.A. § 1396a.

The Commonwealth participates in the Title XIX Medicaid program. The Department is designated as the single State agency responsible for administration of the Commonwealth's Medicaid program, which is known as the MA program.

Pub.L. No. 103-66 amended Title XIX to add a requirement that participating states establish and implement a program to recover MA payments from the probate estates of certain individuals. See 42 U.S.C.A. § 1396p(b)(1). To comply with this Federal mandate, the General Assembly amended the act in 1994 to authorize creation and implementation of the estate recovery program. See section 1412 of the act. The estate recovery program has been in operation in this Commonwealth since August 15, 1994. Notice of rule change (NORC) was published at 25 Pa.B. 1916 (May 13, 1995). During the period of its operation, many questions have arisen as to interpretation and procedures under the statute. These regulations are needed to supply guidance with respect to issues not directly addressed by the Federal and State statute and to resolve ambiguities in the statutory language. Conforming changes to §§ 178.1(h) and 257.21(b) (relating to general policy on MA resources common to all categories of MA; and policy) will be made when those chapters are revised.

Affected Individuals, Groups and Organizations

Affected persons include attorneys administering estates, courts and heirs of decedents.

Accomplishments/Benefits

These regulations will increase compliance by estates with the Federally mandated estate recovery requirements and will decrease confusion regarding those requirements. These regulations will result in increased recovery amounts currently pending collection as unadministered estates. These regulations encourage and support the use of home and community based services by permitting undue hardship waivers for persons who live in the home with the individual and provide care and support to the individual to prevent or delay admission to a nursing facility. These regulations encourage family and friends to help maintain the home while an individual receives home and community based services, or while an individual is in a nursing facility, by permitting undue hardship waivers for the person to recover maintenance expenses for the home.

Scope

This chapter applies to the estates of deceased individuals who received MA for nursing facility services, home and community based services or related hospital and prescription drug services, who were 55 years of age or older at the time that MA was received, who died on or after August 15, 1994, and who received MA on or after August 15, 1994. This chapter does not apply to individuals who received MA before 55 years of age, and whose MA eligibility terminated before 55 years of age.

Although the General Assembly has authorized adoption of a broad estate recovery program, the Department has generally elected to establish the minimum program required by Federal law consistent with the policy of Executive Order 1996-1. The Department will recover only from the estates of persons who were 55 years of age or older at the time assistance was received. The Department will restrict its recovery efforts to obtaining reimbursement for the following types of MA: nursing facility services, home and community based services and related hospital and prescription drug services. The Department will not seek reimbursement for other services. The Department will also restrict its recovery efforts to property that passes through a decedent's estate. Accordingly, property held jointly with a right of survivorship, Totten trust bank accounts and property held in trust at time of death will generally not be subject to estate recovery.

Section 1412 of the act uses the term "probate estate" to define the scope of estate recovery, and in this Commonwealth, the term "probate" generally refers to a proceeding involving a will. See 20 Pa.C.S. § 3131 (relating to place of probate). However, the Federal statute requires the Commonwealth to include all assets included in an estate as defined for purposes of "State probate law." Nationally, the term "probate" has a much broader meaning. See for example *Black's Law Dictionary* (4th Ed. 1968). It is clear from the Federal statute, as well as from Federal interpretative materials, that intestate estates are subject to the estate recovery program. The Legislature's intent was to conform to Federal law and accordingly, the Department has adopted an interpretation, which includes property passing by intestacy in its definition of "estate property."

Paperwork Requirements

These regulations require no added paperwork from that which is required in the existing estate recovery program. The estate recovery program requires paperwork to obtain and provide statements of claim. However, there is no reasonable alternative to the paperwork. These regulations do not increase paperwork beyond that required since August 15, 1994.

Summary of Public Comment and Changes

Written comments, suggestions and objections regarding the proposed regulations were requested within a 30-day period following the publication of proposed rulemaking at 29 Pa.B. 3888. A total of 25 letters were received by the Department within the 30-day public comment period, in response to the proposed rulemaking. In addition, the Independent Regulatory Review Commission (IRRC) and the Senate Minority Chairperson of the Public Health and Welfare Committee submitted comments on the proposed regulations. The majority of the comments submitted on the regulations were from IRRC. The public comments submitted centered around several issues including testamentary trusts, the Pennsylvania Uniform Fraudulent Transfer Act, postponement of collections, undue hardship waivers, unadministered estates and due process. Following is a summary of the major comments received and the Department's response to those comments. A summary of the major changes from proposed rulemaking is also included.

*§ 258.2. Definitions.**Relocation of definitions*

Several definitions were relocated to the body of the chapter. If a term to be defined is used in only one section of the regulations, the term should be defined in the appropriate section. This makes it easier for the reader to find the definition at the location of use, rather than have the reader flip to the beginning of the regulations to find the definition of a term.

The definition of "cash equivalent assets" was relocated within the definition of protectable assets. The definition of "estate property" was relocated to § 258.3(a) (relating to property liable to repay the Department). The definition of "facility of payment clause" was relocated to § 258.3(c). The definition of "family exemption" was relocated to § 258.6(d) (relating to priority of the Department's claim). The definition of "immediate family member" was relocated and is now listed specifically in § 258.10(c) (relating to undue hardship waivers). The definition of "income producing asset" was relocated to § 258.10(c). The definition of "perfected liens" was revised, a new term of "properly perfected security interests" is used and the definition was relocated to § 258.7(c)(2) (related to postponement of collection). The definition of "testamentary trust" was relocated to § 258.3(d).

Elimination of definitions

Several definitions were eliminated since they are not used in the regulations. In accordance with *Pennsylvania Code* requirements, definitions may include only terms used in the chapter. The terms "primary residence" and "surviving spouse or child" were therefore deleted.

Definition of "fair market value"

IRRC suggested clarification of "fair market value."

Response

The Department added a definition to clarify the meaning of "fair market value."

Definition of "nursing facility services"

The Department clarified that "nursing facility services" include intermediate care facilities for persons with other related conditions. The term "intermediate care facility for persons with other related conditions (ICF/ORC)" is derived from 42 CFR 483.400—483.480.

Definition of "personal representative"

IRRC requested clarification of the phrase "administrator of any description."

Response

The Department clarified that this is broad and encompassing and includes all types and forms of executors and administrators.

Definition of "protectable asset"

IRRC requested clarification of monetary limits and whether the limits are cumulative or exhaustive.

Response

The Department agrees that this was unclear as proposed, and has dropped the proposed subparagraph (iv) relating to other property in excess of \$10,000. Subparagraph (ii) has been revised to indicate that this applies to an individual item with a fair market value in excess of \$10,000.

Definition of "real and personal property"

IRRC suggested adding a new definition of "real and personal property."

Response

In response to the request of IRRC, this definition was added. This definition is intentionally broad so that this definition will remain valid as any other laws related to "real and personal property" are written or changed.

Definition of "response period"

IRRC requested adding the statutory reference prescribing the 45-day response period.

Response

This statutory reference to section 1412(b) of the act was added to § 258.4(b) (relating to request for statement of claim) in the section of the regulations where the 45-day period is addressed. Since it is a substantive requirement and not a definition, the requirement for the 45-day period was relocated from the definition of "response period" to the body of § 258.4(b).

Definition of "statement of claim"

IRRC suggested adding a definition of "statement of claim."

Response.

This new definition was added.

Definition of "surviving spouse or child"

IRRC requested clarification of "surviving spouse or child" and asked about the age of the surviving child.

Response

The Department agrees that this definition was unclear and inaccurate and has deleted this from the definitions since it is no longer used in the regulations. This term was used to specify requirements for the postponement of collections. Section 258.7 specifies the applicability of the postponement of collections for surviving relatives. As

specified in § 258.7, there is no age limit for a child with a disability, and the age of the surviving child without a disability is 21 years of age.

§ 258.3. Property liable to repay the Department.

Subsection (a). IRRC suggested changing the term from "estate" to "estate property." IRRC suggested referencing other subsections where exemptions are set forth.

Response

The Department has added a sentence explaining the concept of estate recovery. The Department has not included cross-references to the exceptions because the references would not add clarity to the regulations.

Subsection (c). IRRC requested clarification of third party.

Response

The Department has revised this subsection to delete the reference to third party and clarify the circumstances under which life insurance is subject to the Department's claim.

Subsection (e). IRRC and one commentator suggested that testamentary trusts for disabled children of any age be exempt from the Department's claim.

Response

This new exemption was added. The Department agrees that those trusts should be exempt for estate recovery.

Subsection (f). IRRC requested clarification as to which assets are exempt with a cross reference to 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors).

Response

The proposal does cross reference 20 Pa.C.S. § 3101. The Department deleted the listing of the specific examples and will rely on the referenced statute.

Proposed subsection (f). IRRC, the Senate Minority Chairperson of the Public Health and Welfare Committee and several private attorneys submitted extensive comments relating to the application of 12 Pa.C.S. §§ 5101—5110 (relating to Pennsylvania Uniform Fraudulent Transfer Act) (UFTA). They questioned the Department's legal authority to apply this requirement, suggested inconsistency with the UFTA, requested clarification of less than equivalent value and offered general objections to this section.

Response

After careful consideration, the Department has deleted this subsection in its entirety. The Department believes that the interpretation of the UFTA in the context of estate recovery is more properly left to the courts. This deletion is not meant to imply that the Department concurs with the commentators' position that the UFTA does not apply to transfers of assets made by MA recipients. However, the extent to which the UFTA applies in individual cases can only be determined through appropriate legal proceedings.

Subsection (g). The Department added a new subsection (g) to specify exemptions from estate recovery for special populations in accordance with HCFA's State Medicaid Manual amendments, Transmittal 75, issued January 11, 2001, relating to exemptions for special populations.

§ 258.4. Request for statement of claim.

Subsection (a). IRRC suggested adding a definition of "statement of claim."

Response

This change was made.

Subsection (a). IRRC asked why a certified mail date is necessary to establish the date of the notice from the personal representative. IRRC suggested that the Department permit communication by alternate means to submit notices. Two other commentators suggested that all forms of communication be subject to same rules.

Response

An accurate, written date is necessary to clearly establish and track the date of receipt by the Department. The receipt date starts the Department's 45-day clock in preparing the statement of claim. The Department amended this section to permit a notice requesting a statement of claim to be submitted to the Department by facsimile or electronic mail, in addition to certified mail, in order to make it easier for a personal representative to submit a notice. Notices by telephone are not acceptable as an official notice, since written documentation is required and there is no method to accurately record the date the information was submitted. The date on the certified mail receipt, electronic mail or facsimile document will start the Department's 45-day clock.

The proposed subsection (e) related to receipt of information by alternate means was deleted as it allowed Departmental discretion and it did not allow the 45-day clock to start.

A new paragraph (8) specifying what must be sent with the request for a statement of claim was added to require documentation of the value of the estate. This is needed to apply for the exemption in § 258.10(f) (relating to undue hardship waivers) to exempt estates with a gross value of \$2,400 or less from estate recovery.

Subsection (b).

IRRC requested that procedures and time frames be established to specify what happens if a personal representative does not submit accurate and complete information.

Response

If the Department finds an error or missing information in the notice by the personal representative, the Department's Third Party Liability Unit makes a telephone call or sends a written notice to the personal representative or his attorney notifying him of the error or missing information. This notice will include notice to the personal representative that the 45-day clock will not start until the Third Party Liability Unit receives the corrected or missing information.

Subsection (c). IRRC suggested that the Department should not rely on its own internal date stamp for documentation of receipt of a notice from a personal representative.

Response

The Department concurs and will use the certified mail receipt date, date on the electronic mail or date on a facsimile document as the official receipt date of the notice of the personal representative.

Subsection (d). This section was revised to clarify the date as the issuance date of the statement of claim, versus the submission date.

Subsection (e). IRRC interprets section 1412(b) of the act regarding the 45-day Departmental response period as a firm one that cannot be altered by regulation.

Response

The Department has applied standard rules of statutory construction regarding the computation and application of time limits. There are numerous cases when statutory deadlines are interpreted to mean the next business day following a date that falls on a weekend or holiday.

This regulation also provides the personal representative with the opportunity to request an extension of the Department's time period if desired. An extension of the time period might be requested by the personal representative if they know they have outstanding documentation they want to be considered when the Department's prepares the statement of claim. Nothing in the statute prohibits a personal representative from waiving the 45-day limit.

It is well-settled that individuals can waive a statutory or constitutional right when waiver is not contrary to public policy. *Morgan Signs, Inc. v. Pa. Dept. of Transportation*, 676 A.2d 1284 (Pa. Cmwlth. 1996). In this instance, the General Assembly's intent in enacting the 45-day limit was to insure that the estate recovery program did not unduly delay the estate administration process. However, it is sometimes the case that estate administration is delayed for other reasons, and an extension of time granted to the Department will not have any impact. In these situations, the personal representative will often request or consent to an extension.

Subsection (f). IRRC questioned the Department's legal authority to amend a statement of claim after it has been issued and the 45-day time period has passed.

Response

The Department has added clarification to this subsection to explain the circumstances under which the Department will amend a claim. This will occur only if there is new or updated information relating to the statement of claim. For example, additional medical bills or funeral expenses, or updated property lists or appraisals could be submitted to the Department after the original statement of claim is prepared. The Department will amend its claim to be fair to the personal representative and to prepare an accurate statement of claim. The Department does not believe this violates the 45-day time period in section 1412(b) of the act, since a statement of claim was prepared in accordance with the statute. The statute does not preclude amendment of a claim. The concept of an amendment being timely, because it relates back to an original document, is an established legal concept. Thus for example, a civil complaint may be amended after the statute of limitations has expired if it does not introduce a new cause of action. *Laursen v. General Hospital of Monroe County*, 494 Pa. 238, 431 A.2d 237 (1981). Likewise, a claim against an estate may be amended if it does not introduce a new cause of action. *Cepull v. Borland*, 81 D & C 527, 34 Westmoreland 79 (1952). A similar rule exists in bankruptcy. *In re: Kolstad*, 928 F. 2d 171 (5 th Cir. 1991). The Department believes the General Assembly intended that a similar rule apply to estate recovery.

§ 258.5. Computation of claim.

Subsection (b). IRRC suggested adding a definition of "qualified Medicare beneficiary."

Response

This definition was added.

Subsection (c). IRRC suggested adding a definition of "capitation payment." IRRC commented that the proposed subsection (e) relating to MCOs was unclear.

Response

The Department revised this section to include the new requirements in HCFA's State Medicaid Manual amendments, Transmittal 75, issued January 11, 2001, relating to managed care.

The Department deleted the proposed subsection (e) as it was no longer necessary and conflicted with the new subsection (c).

The Department deleted the proposed subsection (c) relating to postponement since this concept is adequately and appropriately addressed in § 258.7.

Subsection (d). IRRC and the Senate Minority Leader of the Public Health and Welfare Committee stated that it is not reasonable to shift the burden of proof to the personal representative to show that the Department's claim is not correct; they also questioned the Department's legal authority to adopt this requirement.

Response

The Department has considered this comment and decided to delete this proposed section because the Department lacks authority to regulate the burden of proof in orphans' court. Case law provides that while a creditor has the burden of proving its claim, the Department's records are entitled to a presumption of correctness. See *Cameron's Estate*, 130 A.2d 173 (Pa. 1957).

§ 258.7. Postponement of collection.

IRRC requested that the Department include its internal operating process for initiating, reviewing and making a decision on postponement requests.

Response

The Department will develop internal operating procedures to manage postponement requests.

Subsection (a). IRRC questioned the use of "the later of one of the following." IRRC requested adding the statutory citation for the Supplemental Security Income Program. One commentator suggested that claims should be permanently waived for those specified in this section, rather than postponed.

Response

The language is correct as proposed. This means until the last of any of these occur. For example, if there is a surviving spouse and an adult child who has a disability, the claim is postponed until both the spouse and adult child are deceased.

The citation for the Supplemental Security Income Program was added.

The Department considered permanent waivers versus postponement as suggested, but this section is based on section 1917(b)(2) of the Social Security Act (42 U.S.C.A. § 1396p(b)(2)) that addresses the temporary postponement of collection.

Paragraph (4) was relocated from § 258.10(d) so that all the postponement clauses was located together. The period of time was corrected to "1 year" to coincide with section 1917p(a)(2)(c) of the Social Security Act.

Subsection (c). IRRC and another commentator suggested that this allows the Department to take enforcement action on an unripe claim. IRRC questioned how the dollar amounts were determined, how appraisals would be done and how a properly perfected security interest would be placed on the property. IRRC also requested the addition of a definition of "remainderman." Another commentator requested that the \$10,000 limit be applied to

individual items rather than the total of all items. IRRC asked the Department to specify the directions of the Department in subsection (c)(4).

Response

The Department is required by Federal law to postpone collection of its claim against certain property, but the Department does not have authority to simply forgive the claim. The Department has tried to balance the right of heirs to use property subject to postponement with the interest of the Commonwealth and Federal government in obtaining ultimate repayment from that property.

The Department revised and relocated the definition of "properly protected security interest" in subsection (c)(2) to clarify how security interests are placed on property. This is a legal process governed by Article 9 of the Uniform Commercial Code, 13 Pa.C.S. §§ 9101—9507.

The Department made the change to subsection (c)(2) as requested by the commentator to consider the \$10,000 amount for each individual item as opposed to the total value of all property. A properly perfected security interest will be placed only on an individual item valued in excess of \$10,000, but not for any item valued at \$10,000 or less.

The amounts specified in subsection (c)(2) and (3) are reasonable amounts based upon cost effectiveness for the Department to recover MA dollars. Appraisals to determine the value of the property items are undertaken by the executor or administrator of the estate.

The Department added a definition of "remainderman" to subsection (c)(3) where the term is used.

The Department revised subsection (c)(4) to clarify that the personal representative shall appropriately protect assets by an appropriate method. Appropriate methods might include noting the Department's interest on a certificate of title. The Department decided not to list examples in the regulations as this provision is intended to deal with novel or unusual circumstances.

Subsection (f). The Department added a new subsection (f) to clarify that the Department's claim is subject to collection at the end of the postponement period.

Subsection (e). IRRC asked why the age in subsection (e) is 18 years of age and in subsection (a)(3) it is 21 years of age. IRRC also requested that the Department specify the procedures for waivers.

Response

The age in subsection (a)(3) is taken directly from the Federal statute, which prescribes the age at 21 years of age. See 42 U.S.C.A. § 1396p(a)(2)(B). The age in subsection (e) is specified as "under 18 years of age" since the term "adult child" used in this subsection legally covers a person who is age 18 years of age and older. The age specification in this paragraph clarifies that a child under 18 years of age needs a legal representative acting on his behalf.

There is no waiver procedure or process. This simply allows an heir to turn over property to the Department prior to the end of the official postponement period. This is at the full discretion of the heir.

§ 258.8. Liability of personal representative.

IRRC suggested that the Department state what is acceptable documentation of fair market value. One commentator suggested that subsection (d) discourages resolution of small estates by family settlements. One com-

mentator suggested that the personal representative should be held to a negligence standard versus strict liability.

Response

The Department added a definition of "fair market value." Acceptable documentation might be a real estate appraisal.

Family settlements are only appropriate when they do not prejudice the rights of creditors. There is nothing to prevent the use of a family settlement agreement if the Department's claim is satisfied.

A stringent standard for personal representative conduct is appropriate given the fiduciary relationship undertaken by the representative relative to the estate and its creditors.

§ 258.9. Liability of transferees.

IRRC asked what is acceptable documentation for fair market value and suggested that the transferee be limited to the difference between the amount paid for an asset and the fair market value.

Response

The Department added a definition of "fair market value." Acceptable documentation might be a real estate appraisal.

The Department made the requested change to limit the difference between the amount paid for an asset and the fair market value. The Department clarified that the transferee's liability is limited to the fair market value of the property that was not protected.

§ 258.10. Undue hardship waivers.

Subsection (b). IRRC and the Senate Minority Leader of the Public Health and Welfare Committee requested that the language for the granting of undue hardship waivers be changed from "may" which is discretionary, to "will" which is mandatory. Five other commentators also requested clarification of the vagueness of waiver criteria and requested waivers be granted if the guidelines are met.

Response

The Department agrees and has made this change from "may" to "will" throughout this section relating to hardship waivers. Waivers must be granted if all of the criteria are met. Waiver criteria have been revised to be clear and precise.

Subsection (b). IRRC, the Senate Minority Leader of the Public Health and Welfare Committee and three other commentators suggested that the criteria for undue hardship waivers be extended to apply beyond immediate family members.

Response

This change was made to extend the waiver criteria to include not only immediate family, but also extended family and nonrelatives.

Subsection (b). The Senate Minority Leader of the Public Health and Welfare Committee and one other commentator suggested that an amendment be made to include home and community based services, as well as nursing facility services.

Response

This change was made. Home and community based services were added in subsection (b)(1) and (3).

Subsection (b). IRRC, the Senate Minority Leader of the Public Health and Welfare Committee and 17 other commentators suggested that a homestead exemption of a specific amount such as \$50,000. The homestead exemption means that no MA would be recovered for the value of the home, if the decedent leaves a home valued at \$50,000 or less.

Response

The Department spent considerable time researching and meeting with the Intergovernmental Council on Long Term Care and others regarding this issue. When completing a thorough review of the public comments and talking with many consumer, advocacy and provider organizations, the Department found that the homestead exemption was suggested for five main reasons: a) to reduce urban blight and abandonment of homes; b) the right for heirs to inherit something from decedent's estate; c) concern over refusal of home and community based services due to fear of self or spouse losing home; d) a desire to settle the many unadministered estates now in limbo with no recovery paid; and e) a reward for family, extended family and nonrelatives who moved into home and provided care and support to delay or prevent admission to a nursing home.

Many different alternatives were reviewed and considered. The following four alternatives best address the concerns of the commentators: 1) There would be a homestead exemption of a specified amount, for homes of modest value (based on appraised value of home). This means that if the decedent owned a home at the time of his death, valued at or below a specific dollar amount, the heir would keep the home and no recovery would be made on the sale/value of the home. If the home is valued above the specific amount, the entire value of the home would be subject to recovery; 2) There would be a flat exemption of a specified amount, for estates of any value, not based on home ownership. This would apply for all heirs and estates regardless of the value of the estate, the income of the heirs or the value of any home. The first specified amount of any estate, based on the net value of an estate of any value would not be subject to recovery; 3) Waiver criteria would be revised to expand opportunities for extended family and nonrelatives living with and caring for person to be considered for a hardship waiver; and 4) There would be an exemption for estates valued below a specified amount (such as \$2,000).

The Department weighted the pros and cons of each of these four alternatives and considered cost implications for each. While the homestead exemption option was the favored option of those submitting public comments, as the Department met with external stakeholders this option was not necessarily the preferred option, since it was applicable to only some of the estates and only some of the reasons given for the requested change. When meeting with external stakeholders, their concerns narrowed to three: 1) the fear of losing one's home while receiving home and community based services or the fear of a surviving spouse losing the home; 2) the need to settle unadministered estates and recover added potential revenue; and 3) the desire to reward persons who moved into the home with the decedent to provide care.

The Department found no evidence to support the notion that a homestead exemption would decrease the number of abandoned homes in urban areas. There is no data in this Commonwealth or in other states to suggest that urban blight is the result of, or related to, estate recovery. The Department reviewed the HCFA's State Medicaid Manual amendments, Transmittal 75, issued

January 11, 2001, relating to a homestead exemption. While the HCFA transmittal provides additional clarification as to how a homestead exemption might be calculated, the HCFA continues to provide this as an option for states to consider. Very few states have chosen to adopt the homestead exemption option.

The concern that individuals will lose their homes if they receive MA services or that their surviving spouses will lose their home is unwarranted. The Department and the external stakeholders agree that a broad based public education program is needed to explain to potential users of MA that they will never lose their homes while receiving MA and that their surviving spouses, minor children or adult children with disabilities will never lose the home. The Department will soon publish and disseminate a brochure on the estate recovery program to explain that people will not lose their homes as a result of the estate recovery program

The Department also considered the cost impact for the four alternatives. Both the homestead exemption and the flat exemption for estates of any value are estimated to result in substantial loss of recovery dollars. Dollars recovered through the estate recovery program are used to directly fund other individuals in need of home and community based services or nursing facility care. Every \$1 million recovered through the estate recovery program provides services to approximately 70 home and community based slots or 140 individuals living in home and community based settings annually.

The Department made several major changes to address the concerns of the commentators relating to the hardship waivers. First, the Department extended the provision that had limited waivers to immediate family members to include not only extended family, but nonrelatives as well.

Next, the waiver criterion that allowed waivers to be granted only for persons who had an annual gross income that does not exceed 100% of the Federal Poverty Guidelines was deleted. This permits anyone to receive a waiver regardless of family income. Although not requested by commentators, this change was made to support and encourage persons to provide live-in care and support to individuals, regardless of the person's income level.

Third, the Department substituted a new waiver criterion, to replace the proposed poverty guideline requirement, with a requirement that the person living in the home with the decedent provided care or support to the decedent during which time the decedent needed care or support in order to remain at home. This is similar to the provision in § 178.101 (relating to disposition of property and fair consideration provisions for transfers during the period of January 4, 1991, through July 29, 1994), which requires a son or daughter to have provided care for a 2-year period prior to the transfer of property. This will support and encourage the use of home and community based services by permitting the individual to remain at home for as long as possible. Use of home and community based services not only provides individuals with the opportunity and choice to stay at home, but also save taxpayer dollars, since home and community based services are a less expensive option than nursing facility care.

Fourth, the Department added an exemption from estate recovery for administered estates valued at \$2,400 or less (§ 258.10(f)). This exemption will apply to about half of the estate recovery claims filed by the Depart-

ment. No waiver process would be applied. The estates valued at \$2,400 or less will simply be exempted. Exemption amounts of between \$5,000 and \$2,000 were studied for fiscal impact. With an exemption of \$5,000, the State share loss to the estate recovery program, and hence the reduction to the Commonwealth's long-term care appropriation, would be slightly over \$1 million. With an exemption of \$2,400, the State share loss will be about \$500,000, which can be absorbed by the other potential revenue-increasing components to the regulations.

The combination of these four major changes to the regulations, coupled with an education campaign relating to the estate recovery program, will address the majority of the stakeholder concerns related to undue hardship waivers. The Department further addresses the concern relating to unadministered estates in § 258.11 (relating to unadministered estates).

Subsection (c). Although not specifically requested, the Department raised the income level from 100% to 250% of the Federal poverty guidelines for the gross family income allowed for income producing asset-related waivers. The Department made this change to allow a spouse or other family member to have a reasonable income outside the family farm or business, and still permit the waiver for the family farm or business.

The Department also extended the term "immediate family member" as proposed to include grandchildren of the decedent.

Subsection (d). The definition of "income producing asset" was relocated from § 258.2 to subsection (d) so that readers can easily find the definition where the term is actually used.

Subsection (e). This new subsection was added to allow persons who paid expenses to maintain a decedent's vacant home while the decedent was in a nursing facility, or during receipt of home and community based services, to be reimbursed for the home maintenance costs. Maintenance costs include real estate taxes, utility bills, home repairs and home maintenance such as lawn care and snow removal necessary to keep the property in adequate condition for the decedent to return home or to live in the home.

This may indirectly address some of the concern about abandoned properties. If a person knows that if he spends his own money to maintain a family or friend's home, he can recover his maintenance expenses from the estate at a later date, perhaps he will be more willing to maintain the home in good condition.

Subsection (g). This new subsection was added to clarify that a person who is eligible for a postponement of collection in § 258.7 is not precluded from also seeking a permanent undue hardship waiver under this section, as long as all the undue hardship waiver criteria are met.

§ 258.11(a). Unadministered estates.

IRRC raised questions of the Department's legal authority to either refer cases of unadministered estates outside this Commonwealth for settlement or to handle the cases of unadministered estates directly. IRRC raised the concern of conflict of interest if the Department handled the settlement of estates. IRRC requested clarification of reasonable fees. One commentator requested clarification of the role of outside attorneys. One commentator objected to referral of unadministered estates to outside attorneys because it would result in unfair and inequitable application of estate recovery.

Response

The Department spent considerable time and effort to resolve not only the concerns of the commentators, but also to address a major concern it has with the existing estate recovery program. There are numerous unadministered estates sitting in limbo in the Department's Office of Legal Counsel. While estates sit in limbo, no recovery is made, resulting in loss of recovery dollars and any real estate title remains under a cloud. The case remains "on the books" and continues to be tracked in the estate recovery program. While the new exemption for estates valued under \$2,400 will reduce the number of unadministered estates, there will continue to be cases pending and needing resolution.

The Department has revised subsection (a), to refer unadministered estates to the probate and estate sections of local county bar associations. This will facilitate the resolution of unadministered estates and provide a central location in each county where information regarding those estates may be obtained. The administration of estates by private attorneys will not result in an unequal application of the estate recovery program as the commentator suggested. The local attorneys will simply file the necessary paperwork to settle the estate. They will not administer the estate recovery program.

Lists of unadministered estates will be sent periodically to the local bar associations. The frequency will depend on the number of pending cases. For example, Philadelphia County Bar Association may receive a list of pending cases monthly, while a smaller county may receive notice of cases on an ad hoc basis as they occur. It is expected that this provision will permit the settlement of a large percent of currently unadministered estates. This will result in a higher amount of MA dollars recovered, which can be used to provide home and community based services, and a reduction in the tracking paperwork for the estate recovery program.

As requested, the Department has specified the maximum administration and attorney fee that can be charged. These fees are based on existing rates generally charged by private probate and estate attorneys, providing that a fair amount may be charged for handling even very small estates.

In response to the perceived potential conflict of interest for the Department to settle estates directly, this may be done legally by any creditor. While there may be a conflict of interest between the role of a personal representative and that of a creditor, the same kind of conflict exists when an inheriting child or spouse serves in the role of personal representative. Indeed, substantial conflict of interest is inherent in the estate administration system. As a creditor of the estate, the Department has express authority to administer estates under 20 Pa.C.S. § 3155(b)(4) (relating to persons entitled). A private creditor may file and administer an estate to recover outstanding bills. It is extremely rare that the Department's Office of Legal Counsel has the staff time or a reason to settle an unadministered estate directly; however, the Department wants to make clear the procedures that would apply should it desire to do so. The same fee requirements that apply to an outside attorney would apply to the Department.

§ 258.12(a). Administrative enforcement.

IRRC requested clarification of "other remedies allowed by law" and suggested that citations to other laws be added. IRRC suggested that the Department clarify how the personal representative will be notified of the assess-

ment of liability and the right to appeal. One commentator suggested that this creates two different forums for actions, conflicts with existing laws and creates notice and due process problems for transferees.

Response

The Department added clarification that the personal representative will be notified in writing of the assessment of liability and the right to appeal the decision in accordance with § 258.13 (relating to appeals and jurisdiction).

As suggested by IRRC, the Department has added citations to section 1412(a.1)(1) and (2) of the act.

The Department does not agree with the commentator who raised legal concerns with this section. The Department has successfully used this process for over 50 years. This is much simpler process than to have all cases go to the court of common pleas.

§ 258.13. Appeals and jurisdiction.

IRRC suggested adding a cross-reference to the rules governing the appeal procedure. IRRC questioned the Department's authority to claim exclusive jurisdiction and the use of the abuse of discretion standard. IRRC and the Senate Minority Public Health and Welfare Committee questioned the Department's authority to claim concurrent jurisdiction with the court of common pleas and to supercede the jurisdiction of the orphan's courts. IRRC and the Senate Minority Public Health and Welfare Committee requested that the error of law standard be used instead of the abuse of discretion standard.

Response

The Department has added a reference to the applicable hearing and appeals regulations. The Department clarified subsection (c) regarding the abuse of discretion standard to clarify that it is not a function of the hearing officer to substitute his discretion for that of the Third Party Liability Section of the Department, but rather to review the legal sustainability for that discretion. Where discretion is not involved, the hearing officer is expected to decide the case de novo.

The Department did not change the statement in subsection (c) that the Department has exclusive jurisdiction over issues of waiver, compromise or postponement of a claim. This is the usual standard for review of discretionary actions of an administrative agency. However, the Department recognizes that courts retain jurisdiction to determine whether the Department has a valid claim within the framework of the estate administration process.

The Department clarified subsection (d) to eliminate the requirement that filing with the Bureau of Hearing and Appeals (Bureau) is deemed as an election to proceed exclusively before the Bureau. The Department clarified that the decision is binding upon all parties participating before the Bureau. The Department understands that there could be cases where the court of common pleas applies and the Department would defer. However, the Department would encourage the use of the Bureau to resolve disputes when possible to reduce court time and costs.

Fiscal Impact

Public Sector—Commonwealth

The annual recovery amount the estate recovery program has generated in calendar year 2000 was approximately \$20 million. Forty-four percent of the amount recovered (the State share) goes directly into the long-

term care appropriation to provide home and community based services and nursing home services to qualified individuals. For every \$1 million recovered through estate recovery, approximately 70 home and community based slots or 141 individuals in home and community based settings are served annually.

The Department anticipates a negligible cost impact as a result of these regulations. The total estate recovery collection amount will be reduced with the implementation of the new exemption for estates valued at \$2,400 or less and by the implementation of the new waiver provision providing for waivers for persons living in the home and caring for decedent. However, this cost will be offset by increased revenues due to improved program efficiency resulting in better compliance with estate recovery requirements, in collection of recovery moneys now pending in unadministered estates, collection at the end of postponement periods where applicable, active enforcement of the new regulations and as a result of the Department's new public education campaign.

Public Sector—Local Government

These regulations may impact the process of estate administration in the courts of common pleas. In particular, these regulations clarify the duties and responsibilities of personal representatives. However, no significant impact is expected because the changes to the process of estate administration are minimal.

Private Sector—General Public

The estate recovery program results in an increase of revenue to the Commonwealth and helps to ensure continued financing of long term care services under MA. These regulations reduce the amount of inheritance an heir would have received, if the decedent received MA for nursing home or home and community based services. With the exception of a home of a decedent, this inheritance amount is minimal since the decedent is required to spend down most assets prior to becoming eligible for MA services.

Effective Date

This chapter is effective February 1, 2002.

Sunset Date

A sunset date is not anticipated because the underlying statute is permanent.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 29, 2001, the Department submitted a copy of these final-form regulations to IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the committees with copies of all comments received during the public comment period. The Department has also 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. In preparing the final-form regulations, the Department has considered all comments received from the public, IRRC and the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on July 19, 2001, these final-form regulations were deemed approved by the House Committee on Health and Human Services and the Senate

Committee on Public Health and Welfare. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 23, 2001, and approved the final-form regulations.

Findings

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These final-form regulations are necessary and appropriate for the administration of sections 201(2), 1410 and 1412 of the act.

Order

The Department, acting under the act, orders that:

(a) The regulations of the Department, 55 Pa.Code, are amended by adding §§ 258.1—258.14 to read as set forth in Annex A.

(b) The Secretary of the Department has submitted this order and Annex A to the Office of General Counsel and the Office of the Attorney General for review and approval as to legality and form as required by law. The Office of General Counsel and the Office of the Attorney General have approved this order and Annex A as to legality and form.

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

(d) This order takes effect on February 1, 2002.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 5211 (September 8, 2001).)

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-445. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart G. RESTITUTION AND REIMBURSEMENT

CHAPTER 258. MEDICAL ASSISTANCE ESTATE RECOVERY

Sec.	
258.1.	Policy.
258.2.	Definitions.
258.3.	Property liable to repay the Department.
258.4.	Request for statement of claim.
258.5.	Computation of claim.
258.6.	Priority of the Department's claim.
258.7.	Postponement of collection.
258.8.	Liability of personal representative.
258.9.	Liability of transferees.
258.10.	Undue hardship waivers.
258.11.	Unadministered estates.
258.12.	Administrative enforcement.
258.13.	Appeals and jurisdiction.
258.14.	Service on the Department.

§ 258.1. Policy.

(a) This chapter applies to the estates of individuals who received MA for nursing facility services, home and community based services or related hospital and prescription drug services, who were 55 years of age or older at the time that MA was received, who died on or after

August 15, 1994, and who received MA on or after August 15, 1994. This chapter does not apply to individuals who received MA before reaching 55 years of age and whose MA eligibility terminated before reaching 55 years of age.

(b) The estate of a an individual who was 55 years or older at the time that MA was received is liable to repay the Department for the amount of MA paid for all nursing facility services, home and community based services and related hospital and prescription drug services provided from the time the individual was 55 years of age and thereafter. Only MA services provided on or after August 15, 1994, are subject to estate recovery.

§ 258.2. Definitions.

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

Decedent—A deceased individual who was 55 years of age or older at the time that MA was received.

Decree of distribution—An instrument by which heirs receive the property of a decedent. It is the final determination of the parties to a proceeding.

Department's claim (claim)—The claim of the Department computed and made under this chapter.

Fair market value—The price for which that property would be expected to sell on the open market.

Home and community based services—A broad array of Medicaid services provided to a decedent to avoid institutionalization under the waiver authority of section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)).

Nursing facility services—General, hospital based, and county nursing facility services and services provided in an intermediate care facility for the mentally retarded or for persons with other related conditions.

Personal representative—An executor or administrator of a decedent's estate. This includes executors and administrators of any type or description.

Postponement period—The period during which the Department will defer collection of its claim.

Protectable asset—An asset which shall be preserved and protected for eventual payment of the Department's claim after the postponement period. The term includes:

(i) Real estate and all improvements thereto.

(ii) An item of personal property with a fair market value in excess of \$10,000.

(iii) Cash and cash equivalent assets of an estate with an aggregate value in excess of \$50,000. Cash equivalent assets are stocks, bonds, notes, bank accounts, mutual fund shares and other financial instruments convertible into cash.

Real and personal property—Any property in which a decedent had an ownership interest.

Related hospital and prescription drug services—Hospital and prescription drug services received by a decedent as follows:

(i) While the decedent was a resident in a nursing facility or was receiving home and community based services.

(ii) While the decedent was on temporary leave from a nursing facility.

(iii) Subsequent to a transfer from a nursing facility to a hospital.

Response period—The period during which the Department will respond to a notice requesting a statement of claim.

Statement of claim—A computation of the amount of MA paid for all nursing facility services, home and community based services and related hospital and prescription drug services provided from the time the decedent was 55 years of age and thereafter.

Transferee—An individual or entity, other than a personal representative, possessing or receiving property subject to the Department's claim. This includes both the initial and any subsequent recipients of property if the property is transferred more than once.

§ 258.3. Property liable to repay the Department.

(a) All estate property is subject to the Department's claim. Estate property includes all real and personal property of a decedent which is subject to administration by a decedent's personal representative, whether actually administered or not administered.

(b) Property held by a decedent and another at the time of death as joint tenants with rights of survivorship, or as tenants by the entireties, is not subject to the Department's claim.

(c) Life insurance which is payable to the decedent's estate is subject to the Department's claim, even if the life insurance policy contains a facility of payment clause. A facility of payment clause is a provision which authorizes direct payment to a person. The proceeds of life insurance on the decedent which is directly payable to a beneficiary is not subject to the Department's claim.

(d) Assets placed in trust prior to the death of the decedent, including irrevocable burial reserves, are not subject to the Department's claim if the assets are not payable to the decedent's estate. Trust assets and burial reserve proceeds which are or become payable to the decedent's estate are subject to the Department's claim. Assets designated for a testamentary trust are subject to the Department's claim. A testamentary trust is a trust created by the will of the decedent.

(e) A trust which meets the requirements of § 178.7(f) (relating to treatment of trust amounts for all categories of MA for trusts established on or after July 30, 1994) is not subject to the Department's claim.

(f) Property within the scope of 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), is subject to the Department's claim.

(g) The following special populations are exempt from estate recovery:

(1) Certain income, resources and property of Native American Indians and Alaska Natives. Exempt items include:

(i) Interests in and income derived from Tribal land and other resources currently held in trust status and judgment funds from the Indian Claims Commission and the United States Claims Court.

(ii) Ownership interest in trust or nontrust property, including real property and improvements including the following:

(A) Property located on any Federally recognized Native American Indian Tribe's reservation, Pueblo or Colony, including former reservations in Oklahoma, Alaska Native regions established by Alaska Native Claims Settlement Act and Indian allotments or near a

reservation as designated and approved by the Bureau of Indian Affairs of the United States Department of the Interior.

(B) For any Federally-recognized Tribe not described in clause (A), property located within the most recent boundaries of a prior Federal reservation.

(C) Protection of nontrust property described in clauses (A) and (B) is limited to circumstances when it passes from an Native American Indian as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C.A. § 1603) to one or more relatives by blood, adoption or marriage, including Native American Indians not enrolled as member of a Tribe and non-Indians, such as spouses and stepchildren that their culture would nevertheless protect as family members; to a Tribe or Tribal organization; or to one or more Native American Indians.

(iii) Income left as a remainder in an estate derived from property protected in subparagraph (ii) that was either collected by a Native American Indian, or by a Tribe or Tribal organization and distributed to Native American Indians, as long as the individual can clearly trace it as coming from the protected property.

(iv) Ownership interests left as a remainder in an estate in rents, leases, royalties, or usage rights related to natural resources including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish and shellfish resulting from the exercise of Federally-protected rights, and income either collected by a Native American Indian, or by a Tribe or Tribal organization and distributed to Native American Indians derived from these sources as long as the individual can clearly trace it as coming from protected sources.

(v) Ownership interests in or usage rights to items not covered by subparagraphs (i)—(iv) that have unique religious, spiritual, traditional or cultural significance or rights that support subsistence or a traditional life style according to applicable Tribal law or custom.

(2) Government reparation payments to special populations.

§ 258.4. Request for statement of claim.

(a) The personal representative has a duty to ascertain whether the decedent received MA services during the 5 years preceding death and, if so, give notice to the Department requesting a statement of claim. The 5-year time frame is for notification purposes only and does not limit the Department's claim. Effective August 15, 1994, the amount of MA paid for services rendered after August 15, 1994, to an individual 55 years of age or older is subject to the Department's claim. The notice shall be sent by certified mail return receipt, facsimile machine or electronic mail to the address of the Department specified in § 258.14 (relating to service on the Department). The notice shall include the following:

(1) A statement that the personal representative is requesting a statement of claim against the estate of the decedent.

(2) The decedent's name.

(3) The decedent's last address.

(4) The decedent's date of birth.

(5) The decedent's date of death.

(6) The decedent's Social Security Number.

(7) The personal representative's name, address and telephone number.

(8) Written documentation of the gross value of the decedent's estate.

(b) The Department will submit a statement of claim to the personal representative within the response period of 45-calendar days in accordance with section 1412(b) of the Public Welfare Code (62 P.S. § 1412(b)) relating to repayment from probate estates. If the notice from the personal representative is mailed to the incorrect address, or does not otherwise fully comply with subsection (a), the response period shall be suspended until a fully complying notice is received. If the Department fails to submit a statement of claim to the personal representative within the response period, the Department's claim is forfeited.

(c) The certified mail receipt date, facsimile receipt date or the electronic mail receipt date verifies the receipt date of the notice from the personal representative.

(d) The Department will date the statements of claim. The date on the statement of claim shall establish the Department's issuance date of the statement of claim.

(e) A personal representative may extend the Department's response period. Additionally, if the last date of the response period falls on a weekend, Commonwealth holiday or other day that the offices of the Department are closed, the response period shall end on the next business day.

(f) The Department may amend a statement of claim after the response period has elapsed if there is new or updated information relating to the statement of claim. The amended statement of claim shall relate back to the date of the original statement of claim.

§ 258.5. Computation of claim.

(a) The Department's claim with respect to a decedent shall consist of the total of all MA payments made with respect to the decedent for nursing facility services, home and community based services and related hospital and prescription drug services rendered on or after August 15, 1994.

(b) Premium payments and cost-sharing for decedents who were qualified Medicare beneficiaries shall be included in the statement of claim for the period of time the decedent received nursing facility services, home and community based services or related hospital and prescription drug services rendered on or after August 15, 1994. A qualified Medicare beneficiary is an individual whose Medicare copayments, premiums or deductibles only are paid by the MA program.

(c) With respect to a claim for the costs of MA services delivered through a Managed Care Organization (MCO) contract, the Department's claim will be based on the amount the Department paid to the MCO on behalf of the decedent.

(d) The Department will not reduce its claim on account of attorneys' fees or other costs incurred by the estate to obtain or liquidate assets. These costs may be treated as expenses of administration of the estate.

§ 258.6. Priority of the Department's claim.

(a) The Department's claim is entitled to priority under 20 Pa.C.S. § 3392(3) (relating to classification and order of payment) to the extent it includes payment for services rendered within 6 months of death. Otherwise, the Department's claim shall be paid under 20 Pa.C.S. § 3392(6).

(b) The Department's claim against deposit accounts and patient care accounts subject to 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) is

subordinate to reasonable funeral expenses and to those claims of creditors having priority over the Department under 20 Pa.C.S. § 3392.

(c) The Department's claim against assets subject to 20 Pa.C.S. § 3101 shall be superior to that of family members and any person receiving money under that provision of law shall be answerable to the Department.

(d) The Department's claim is subordinate to the family exemption and to perfected liens on specific property. A family exemption is the exemption provided by 20 Pa.C.S. § 3121 (relating to when available).

§ 258.7. Postponement of collection.

(a) The Department will postpone collection of its claim until the last of one of the following occurs:

(1) The death of any surviving spouse.

(2) The death of any child who is blind or totally and permanently disabled, as determined under the standards of the Supplemental Security Income (SSI) program in the Social Security Act. See 42 U.S.C.A. § 1382.

(3) The date any surviving child is 21 years of age.

(4) The death of, property transfer by or vacating of the property by a sibling who has an equity interest in the property and who has been living in the home for at least 1 year prior to the death of the decedent.

(b) The personal representative has a duty to insure protection of the Department's claim during the postponement period.

(c) The personal representative will be deemed to have complied with his responsibilities to protect the Department's claim during the postponement period if, after liquidating the assets as appropriate and paying all expenses of administration and superior claims of creditors against the estate, the personal representative takes one or more of the following actions until the Department's claim is fully protected, or until all protectable assets are protected.

(1) If the decedent's estate contains real estate, the personal representative shall cause a mortgage or other recorded encumbrance to be placed against the real estate in favor of the Department.

(2) If the decedent's estate contains one or more individual items of personal property with a fair market value in excess of \$10,000, the personal representative shall cause a properly perfected security interest to be placed against the items of personal property in favor of the Department. A properly perfected security interest is a lien on property for payment of a debt, for which the necessary legal steps, as specified in 13 Pa.C.S. §§ 9101—9507 (relating to the Uniform Commercial Code), have been taken to make the lien valid and enforceable against all third parties.

(3) If the estate contains cash or cash-equivalents in an aggregate amount in excess of \$50,000, the personal representative shall cause that money to be placed in trust, with terms and trustees approved by the Department. The trust shall name the Department as remainderman and shall allow the spouse or child, or both, to consume income without court approval, shall allow the consumption of principal to pay reasonable medical expenses of the spouse or child, or both, and shall allow the consumption of principal for the benefit of the spouse or child, or both, with court approval. The personal representative may serve as trustee and a reasonable trustee fee may be provided by the trust document. A

remainderman is a person entitled to receive money in a trust, upon termination of the trust.

(4) If the decedent's estate contains protectable assets which are not adequately protected by the procedures in paragraphs (1)—(3), the personal representative shall appropriately protect the assets by another method, as approved by the Department.

(d) No interest is charged on the Department's claim during the postponement period.

(e) Postponement of collection may be waived by a spouse, adult child or legal representative of a child under 18 years of age.

(f) The Department's claim is subject to collection at the end of the postponement period.

§ 258.8. Liability of personal representative.

(a) The personal representative has a duty to insure that the Department's claim is adequately presented to the court and, unless the Department's claim is postponed, to pay the Department's claim after payment of all superior claims of creditors.

(b) The personal representative is personally liable to pay the Department's claim if property subject to the Department's claim, and not subject to postponement of collection, is transferred without valuable and adequate consideration to an heir or other person having a lower priority claim of a creditor, without satisfaction of the Department's claim.

(c) When the Department's claim is postponed, the personal representative is personally liable if property subject to the Department's claim is transferred without valuable and adequate consideration to an heir or other person having a lower priority claim of a creditor, without protecting the Department's claim.

(d) A decree of distribution will discharge the liability of the personal representative to the Department only if the following conditions are met:

(1) The Department is served with a copy of the proposed distribution at least 30 days in advance of court approval.

(2) The court records show that the personal representative made the inquiry required by § 258.4 (relating to request for statement of claim) and obtained a statement of claim, if appropriate.

(3) The court records show that any claim of the Department was presented to the court and paid, or that there were insufficient assets to pay the Department's claim.

(4) The Department is served with a copy of the final distribution order and paid all amounts that it is due.

(e) Notwithstanding subsection (d), a decree of distribution will not discharge the liability of the personal representative to the Department if the petition for distribution fails to disclose the existence of property subject to the Department's claim, or if the personal representative refuses to present and pay the Department's claim.

§ 258.9. Liability of transferees.

(a) A transferee is liable to pay the Department's claim when he receives property subject to the Department's claim for which he did not pay fair market value. The transferee's liability is limited to the difference between the fair market value of the property that was not

protected and the amount of money received by the estate in exchange for the transfer, if any.

(b) When the Department's claim is postponed, a transferee is personally liable to pay the Department's claim if the transferee receives property subject to the Department's claim and the transferee fails to protect the Department's claim during the postponement period. The transferee's liability is limited to the fair market value of the property that was not protected.

(c) The arms length sale of the decedent's real property at fair market value by the personal representative to a party unrelated to the decedent or the personal representative shall be deemed to be supported by valuable and adequate consideration.

§ 258.10. Undue hardship waivers.

(a) The Department will waive its claim in cases of undue hardship.

(b) The Department will find undue hardship and will permanently waive its claim with respect to the primary residence of a decedent if the person requesting the undue hardship waiver meets all of the following conditions:

(1) The person has continuously resided in the primary residence of the decedent for at least 2 years immediately preceding the decedent's receipt of nursing facility services, or, for at least 2 years during the period of time which Medicaid-funded home and community based services were received.

(2) The person has no other alternative permanent residence.

(3) The person has provided care or support to the decedent for at least 2 years during the period of time that Medicaid-funded home and community based services were received by the decedent, or for at least 2 years prior to the decedent's receipt of nursing home services during which time the decedent needed care or support to remain at home

(c) The Department will find undue hardship and will permanently waive its claim with respect to an income-producing asset if a spouse, child, parent, sibling or grandchild of the decedent meets both of the following:

(1) The asset is used to generate the primary source of income for the household.

(2) There would be a gross family income of less than 250% of the Federal poverty guideline without use of the asset.

(d) An income producing asset is property which is used in a trade or business such as a family farm, family business or rental property, excluding cash, stocks and bonds, mutual fund shares or other marketable financial instruments.

(e) The Department will find undue hardship and will permanently waive from the amount of the Department's recovery, an amount equal to the necessary and reasonable expenses for maintaining the decedent's home while the decedent was receiving home and community based services or maintaining decedent's vacant home while the decedent was in a nursing facility. Necessary and reasonable expenses for maintaining the home include real estate taxes, utility bills, home repairs and home maintenance such as lawn care and snow removal necessary to keep the property in condition for the decedent to return home or to sell at fair market value. Creditors are not eligible to request a waiver under this subsection.

(f) The Department will find undue hardship and will permanently waive its claim for administered estates with a gross value of \$2,400 or less, if there is an heir.

(g) A spouse, parent, child or sibling of the decedent who receives a postponement of collection in accordance with § 258.7 (relating to postponement of collection) is not precluded from receiving an undue hardship waiver if the criteria in subsection (b), (c), (e) or (f) are met.

(h) The Department has exclusive authority to waive its claim, compromise its claim, or postpone collection, in other circumstances when undue hardship exists, or when collection is not cost-effective, as determined by the Department on an individual case-by-case basis.

(i) Waiver requests shall be submitted to the following address: Estate Recovery Program, Post Office Box 8486, Harrisburg, Pennsylvania 17105-8486.

§ 258.11. Unadministered estates.

(a) The Department will provide information regarding unadministered estates to the probate and estate section of local county bar associations so that those estates can be administered by willing attorneys under the sponsorship of the bar association as a public service and under the authority of 20 Pa.C.S. § 3155(b)(5) (relating to persons entitled). When appropriate, the Department will authorize a member of this local county bar association to obtain letters of administration on the Department's behalf under 20 Pa.C.S. § 3155(b)(4). A reasonable administrator's commission and attorney's fee may be charged to the estate as expenses of administration, but may not exceed a combined fee of \$1,000, or 6% of the gross assets of the estate, whichever is greater.

(b) The Department may cause one of its employees to administer an estate if no administrator has been appointed and assets may exist to pay the Department's claim.

(c) The Department's Office of Legal Counsel may provide legal services to an estate if a Departmental employee has been designated to administer the estate. Alternatively, the administrator may employ private counsel.

(d) The Department will charge the estate a reasonable administrator's commission and attorney's fee as expenses of administration not to exceed a combined fee of \$1,000, or 6% of the gross assets of the estate, whichever is greater, if administrative or attorney services are provided to the estate by Commonwealth employees.

§ 258.12. Administrative enforcement.

(a) In addition to any other remedies allowed by law, the Department may administratively assess liability upon a personal representative or transferee in accordance with §§ 258.8 and 258.9 (relating to liability of personal representative; and liability of transferees) under section 1412 of the Public Welfare Code (62 P. S. § 1412(a.1)(1) and (2)). A personal representative or transferee will be notified in writing of the assessment of liability and the right to appeal this decision in accordance with § 258.13 (relating to appeals and jurisdiction).

(b) A final administrative order in any proceeding to assess liability against a personal representative or transferee shall be binding upon the parties in any subsequent judicial proceeding to enforce the administrative order.

§ 258.13. Appeals and jurisdiction.

(a) A personal representative, transferee or family member adversely affected by a decision of the Department under this chapter may appeal to the Department's

Bureau of Hearing and Appeals in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings), within 30 days of the date the affected person is notified of the decision.

(b) An appeal shall be mailed to the Bureau of Hearings and Appeals, Department of Public Welfare, Post Office Box 2675, Harrisburg, Pennsylvania 17105.

(c) The Bureau of Hearings and Appeals has exclusive jurisdiction over disputes involving a request for waiver, compromise or postponement of collection. Appeals involving the exercise of the Department's discretion shall be reviewed by the Bureau of Hearings and Appeals under an abuse of discretion standard, otherwise the Bureau of Hearings and Appeals shall review the matter de novo.

(d) The Bureau of Hearings and Appeals has concurrent jurisdiction with the courts of common pleas over disputes involving the computation of the Department's claim or assessment of liability against a personal representative or transferee. The Bureau's decision is binding upon all parties participating before the Bureau of Hearing and Appeals, subject to the Secretary's reconsideration and appellate review.

§ 258.14. Service on the Department.

The address for requesting a statement of claim or for serving legal papers on the Department is: Third Party Liability Section, Department of Public Welfare, Estate Recovery Program, Post Office Box 8486, Harrisburg, Pennsylvania 17105-8486.

[Pa.B. Doc. No. 01-1957. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

Disproportionate Share Incentive Payments

The Department of Public Welfare (Department), Office of Medical Assistance Programs, by this order adopts amendments to § 1187.111 (relating to disproportionate share incentive payments). The amendment is set forth in Annex A and is adopted under the authority of section 201(2) of the Public Welfare Code (62 P. S. § 201(2)) (act).

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv) and (3)) (CDL) and 1 Pa. Code § 7.4(1)(iv) and (3). Those provisions provide that an agency may omit notice of proposed rulemaking when the amendment relates to Commonwealth grants or benefits or where circumstances render it impractical, unnecessary or contrary to public interest. Notice of proposed rulemaking is omitted since this regulatory amendment involves an increase to Medical Assistance (MA) payments to qualifying nursing facilities that are already aware of this change.

Purpose of the Amendment

This amendment will increase the disproportionate share incentive payments to qualified nursing facilities effective for the periods January 1, 2000, through June 30, 2003, only. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with § 1187.111(c).

Need for the Amendment

A disproportionate share incentive payment is made to MA participating nursing facilities having an annual overall occupancy rate of at least 90% of the total available bed days and an MA occupancy rate of at least 80% based on MA paid days of care times the per diem incentive to facilities.

The Intergovernmental Transfer (IGT) Agreement for Fiscal Year 1999-2000 provides that for the period January 1, 2000, to June 30, 2003, the disproportionate share incentive payment to qualified nursing facilities shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with § 1187.111(c).

Requirements

Section 1187.111 is being amended to provide increased disproportionate share incentive payments effective for the periods January 1, 2000, to June 30, 2003.

Affected Organizations

MA participating nursing facilities which have an annual overall occupancy rate of at least 90% of the total available bed days, and an MA occupancy rate of at least 80%, are eligible to receive disproportionate share incentive payments.

Fiscal Impact

Public Sector

The Commonwealth

The Department will see an increase in moneys being paid to eligible nursing facilities due to doubling the disproportionate share incentive payments for the periods January 1, 2000, to June 30, 2003.

Political Subdivisions

No impact is anticipated.

Private Sector

No impact is anticipated.

General Public

No impact is anticipated.

Paperwork Requirements

There should be no increase in paperwork requirements.

Effective Date

This amendment shall take effect on January 1, 2000.

Sunset Date

There is no sunset date for this section.

Public Comments

Although this section is being adopted without prior notice, interested persons are invited to submit their written comments within 30 days from the date of this publication for consideration by the Department as to whether the amendment should be revised. The comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Tom Vracarich in the Office of Legal Counsel at (717) 783-2209.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 4, 2001, the Department submitted a copy of this amendment with proposed rulemaking omitted on to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulation was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506)

Under section 5.1(d) of the Regulatory Review Act, on September 24, 2001, this final-omitted regulation was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, on October 18, 2001, IRRC met and approved the final-omitted regulation.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted because this regulation relates to Commonwealth grants and benefits and notice of proposed rulemaking is unnecessary and contrary to the public interest under section 204(1)(iv) and (3) of the CDL and 1 Pa. Code § 7.4(1)(iv) and (3).

(2) The adoption of this final-omitted regulation in the manner provided in this order is necessary and appropriate for the administration and enforcement of the act.

Order

The Department, acting under the authority of the act, orders that:

(a) The regulations of the Department, 55 Pa.Code Chapter 1187, are amended by amending § 1187.111 to read as set forth in Annex A.

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

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

(d) This order shall take effect on January 1, 2000.

FEATHER O. HOUSTON,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6120 (November 3, 2001).)

Fiscal Note: 14-470 (1) Increased program costs to the General Fund. There will be increased program costs to the State. (2) Implementing Year 2000-01 is \$4,999,000; (3) 1st Succeeding Year 2001-02 is \$5,084,000; 2nd Succeeding Year 2002-03 is \$5,222,000; 3rd Succeeding Year 2003-04 is \$2,697,000; (4) 1999-00 Program—\$793,246,000; 1998-99 Program—\$693,625,000; 1997-98 Program—\$721,631,000; (7) MA—Long Term Care; (8) recommends adoption. Costs are budgeted into the MA—Long Term Care appropriation.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter H. PAYMENT CONDITIONS,
LIMITATIONS AND ADJUSTMENTS

§ 1187.111. Disproportionate share incentive payments.

(a) A disproportionate share incentive payment will be made based on MA paid days of care times the per diem incentive to facilities meeting the following criteria for a 12-month facility cost reporting period:

(1) The nursing facility shall have an annual overall occupancy rate of at least 90% of the total available bed days.

(2) The nursing facility shall have an MA occupancy rate of at least 80%. The MA occupancy rate is calculated by dividing the MA days of care paid by the Department by the total actual days of care.

(b) The disproportionate share incentive payments will be based on the following for year 1 of implementation:

	Overall Occupancy	MA Occupancy (y)	Per Diem Incentive
Group A	90%	$\geq 90\% y$	\$2.50
Group B	90%	$88\% \leq y < 90\%$	\$1.70
Group C	90%	$86\% \leq y < 88\%$	\$1.00
Group D	90%	$84\% \leq y < 86\%$	\$0.60
Group E	90%	$82\% \leq y < 84\%$	\$0.30
Group F	90%	$80\% \leq y < 82\%$	\$0.20

(c) For each year subsequent to year 1 of implementation, disproportionate share incentive payments as described in subsection (b) will be inflated forward using the Health Care Financing Administration Nursing Home Without Capital Market Basket Index to the end point of the rate setting year for which the payments are made.

(d) These payments will be made annually within 120 days after the submission of an acceptable cost report provided that payment will not be made before 210 days of the close of the nursing facility fiscal year.

(e) For year 1 of implementation only, facilities with a June 30 cost report year end will receive a disproportionate share payment based on the January 1 through June 30 time period.

(f) For the period January 1, 2000, to June 30, 2003, the disproportionate share incentive payment to qualified nursing facilities shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with § 1187.111(c).

(1) For the period commencing January 1, 2000, through June 30, 2000, the increased incentive shall apply to cost reports filed for the fiscal period ending December 31, 1999, or June 30, 2000.

(2) For the period commencing July 1, 2000, through June 30, 2001, the increased incentive shall apply to cost reports filed for the fiscal period ending December 31, 2000, or June 30, 2001.

(3) For the period commencing July 1, 2001, through June 30, 2002, the increased incentive shall apply to cost reports filed for the fiscal period ending December 31, 2001, or June 30, 2002.

(4) For the period commencing July 1, 2002, through June 30, 2003, the increased incentive shall apply to cost reports filed for the fiscal period ending December 31, 2002, or June 30, 2003.

[Pa.B. Doc. No. 01-1958. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

Principles for Rate and Price Setting

The Department of Public Welfare (Department), Office of Medical Assistance Programs, by this order adopts an amendment to § 1187.95 (relating to general principles for rate and price setting). The amendment is set forth in Annex A and is adopted under the authority of section 201(2) of the Public Welfare Code (62 P. S. § 201(2)).

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv) and (3)) (CDL) and 1 Pa. Code § 7.4(1)(iv) and (3). Section 204(1)(iv) and (3) of the CDL and § 7.4(1)(iv) and (3) provide that an agency may omit notice of proposed rulemaking when the amendment relates to Commonwealth grants or benefits or when circumstances render it impractical, unnecessary or contrary to public interest.

Purpose of Amendment

This amendment will extend the time frame for transition payments to county nursing facilities for the period January 1, 1999, to June 30, 2003, only. The transition payments concern Commonwealth benefits to Medical Assistance (MA) recipients residing in county nursing facilities. The transition payments were negotiated between the Department and the County Commissioner Association of Pennsylvania (CCAP). CCAP membership consists of all affected county nursing facilities who are aware of, and in agreement with, the transition payments provided by this rulemaking.

Need for Amendment

The Intergovernmental Transfer (IGT) agreement for FY 1997-1998 provides that a transition rate for county nursing facilities shall be extended to include the period January 1, 1999, to June 30, 1999. The IGT agreement for FY 1998-1999 provides that a transition rate for county nursing facilities shall be extended to include the period July 1, 1999, through June 30, 2003. Based on these IGT agreements, State Plan Amendments were submitted and approved. Transmittal number 99-007—*Extension of County Transition Rates from January 1, 1999 through June 30, 1999* (approved by the Health Care Financing Administration (HCFA) on June 30, 1999) and Transmittal number 99-009—*Extension of County Nursing Facility Transition Rates for the Period July 1, 1999 through June 30, 2003* (approved by HCFA on December 22, 1999).

Requirements

Section 1187.95 is being amended to include the extension of the transition payments for county nursing facilities from January 1, 1999, through June 30, 2003.

Affected Organizations

County nursing facilities participating in the MA program are eligible to receive transition payments.

Fiscal Impact

Public Sector

The Commonwealth

The Department will see a continuation of the transition payments to county nursing facilities through June 30, 2003.

Political Subdivisions

No impact is anticipated.

Private Sector

No impact is anticipated.

General Public

No impact is anticipated.

Paperwork Requirements

There should be no increase in paperwork requirements.

Effective Date

This amendment is effective January 1, 1999.

Sunset Date

There is no sunset date for this amendment.

Public Comments

Although this regulation is being adopted without prior notice, interested persons are invited to submit their written comments within 30 days from the date of this publication for consideration by the Department as to whether the amendment should be revised. The comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative, should contact Tom Vracarich in the Office of Legal Counsel at (717) 783-2209.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 4, 2001, the Department submitted a copy of this amendment with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulation was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act, on September 24, 2001, this final-omitted regulation was deemed approved by the Committees. Under 5.1(e) of the Regulatory Review Act, on October 18, 2001, IRRC met and approved the final-omitted regulation.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted because this regulation relates to Commonwealth grants and

benefits and notice of proposed rulemaking is unnecessary and contrary to public interest under sections 204(1)(iv) and (3) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(1)(iv) and (3).

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

Order

The Department, acting under the authority of the act, orders that:

(a) The regulations of the Department, 55 Pa.Code Chapter 1187, are amended by amending § 1187.95 to read as set forth in Annex A.

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

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

(d) This order shall take effect January 1, 1999.

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6120 (November 3, 2001).

Fiscal Note: 14-468. (1) General Fund; (2) Implementing Year 2000-01 is \$2,641,000; (3) 1st Succeeding Year 2001-02 is \$1,584,000; 2nd Succeeding Year 2002-03 is \$1,056,000; 3rd Succeeding Year 2003-04 is \$0; 4th Succeeding Year 2004-05 is \$0; 5th Succeeding Year 2005-06 is \$0; (4) 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; 1997-98 Program—\$617,252,000; (7) MA—Long Term Care; (8) recommends adoption. Funds are included in the budget for this purpose.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter F. COST REPORTING AND AUDIT REQUIREMENTS

§ 1187.95. General principles for rate and price setting.

(a) Prices will be set prospectively on an annual basis during the second quarter of each calendar year and be in effect for the subsequent July 1 through June 30 period.

(1) Peer group prices will be established for resident care costs, other resident related costs and administrative costs.

(2) If a peer group has an even number of nursing facilities, the median peer group price determined will be the arithmetic mean of the costs of the two nursing facilities holding the middle position in the peer group array.

(3) If a nursing facility changes bed size or MSA group, the nursing facility will be reassigned from the peer group used for price setting to peer group based on bed certification and MSA group as of April 1, for rate setting.

(4) The Department will announce, by notice submitted for recommended publication in the *Pennsylvania Bulletin*

and suggested codification in the *Pennsylvania Code* as Appendix B, the peer group prices for each peer group.

(b) Rates will be set prospectively each quarter of the calendar year and will be in effect for 1 full quarter. Net operating rates will be based on peer group prices as limited by § 1187.107 (relating to limitations on resident care and other resident related cost centers). The nursing facility per diem rate will be computed as defined in § 1187.96(e) (relating to price and rate setting computations).

(1) Resident care peer group prices will be adjusted for the MA CMI of the nursing facility each quarter and be effective on the first day of the following calendar quarter.

(2) For the period of January 1, 1996, through June 30, 1996, each county owned and operated nursing facility, as defined in § 1187.2 (relating to definitions), receiving a county nursing facility rate as of June 30, 1995, will be provided a transition rate. The transition rate for each county nursing facility for January 1, 1996, through June 30, 1996, will be the higher of the facility case-mix rate for that quarter or a December 31, 1995, facility blended rate.

(i) The blended rate is calculated by multiplying the skilled/heavy care rate on file as of December 31, 1995, by the number of skilled/heavy care days as reported in the county nursing facility's most recently accepted cost report; multiplying the intermediate care rate on file as of December 31, 1995, by the number of intermediate care days reported in the county nursing facility's most recently accepted cost report; summing these products and dividing that sum by the number of skilled care, heavy care and intermediate care days as reported in the county nursing facility's most recently accepted cost report.

(ii) The rate established in subparagraph (i), will be trended forward 3 months from January 1, 1996, to March 31, 1996, by a factor equal to the HCFA Nursing Home Without Capital Market Basket Index as published in the second quarter 1995 issue of the DRI McGraw-Hill publication "Health Care Costs."

(3) For the period July 1, 1996, through June 30, 1997, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or a facility blended rate calculated in accordance with paragraph (2)(i) and (ii), trended forward 9 months from April 1, 1996, to December 31, 1996, by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1995 issue of the DRI McGraw-Hill publication "Health Care Costs."

(4) For the period July 1, 1997, through June 30, 1998, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (3), trended forward 12 months from January 1, 1997, to December 31, 1997, by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1996 issue of the DRI McGraw-Hill publication "Health Care Costs."

(5) For the period July 1, 1998, through December 31, 1998, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (4),

trended forward 9 months from January 1, 1998, to September 30, 1998, by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1997 issue of the DRI McGraw-Hill publication "Health Care Costs."

(6) For the period January 1, 1999, through June 30, 1999, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (5), trended forward 6 months from January 1, 1999, to June 30, 1999, by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1998 issue of the DRI McGraw-Hill publication "Health Care Costs."

(7) For the period July 1, 1999, through June 30, 2000, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (6), trended forward 9 months by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1998 issue of the DRI McGraw-Hill publication "Health Care Costs."

(8) For the period July 1, 2000, through June 30, 2001, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (7), trended forward 12 months by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 1999 issue of the DRI McGraw-Hill publication "Health Care Costs."

(9) For the period July 1, 2001, through June 30, 2002, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (8), trended forward 12 months by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 2000 issue of the DRI McGraw-Hill publication "Health Care Costs."

(10) For the period July 1, 2002, through June 30, 2003, transition rates for county nursing facilities will be the higher of the case-mix rate for each respective quarter or the facility transition rate identified in paragraph (9), trended forward 12 months by a factor equal to the HCFA Nursing Home without Capital Market Basket Index as published in the fourth quarter 2001 issue of the DRI McGraw-Hill publication "Health Care Costs."

(11) For the period January 1, 1996, through June 30, 1996, general nursing facilities other than hospital-based, special rehabilitation and county nursing facilities, will be provided a transition rate. The transition rate for each general nursing facility for each calendar quarter during the time period January 1, 1996, through June 30, 1996, will be the higher of the facility case-mix rate for that quarter or a July 1, 1994, facility blended rate. The facility blended rate is a composite of the skilled care and intermediate care interim per diem rates in effect on July 1, 1994, weighted by the reported MA days associated with the respective acuity levels.

[Pa.B. Doc. No. 01-1959. Filed for public inspection November 2, 2001, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 137] Collection of Fox Urine

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2001, meeting, adopted the following change:

Amend § 137.31 (relating to possession of live wildlife) by limiting the number of live foxes that may be taken from the wild for the purpose of collecting fox urine, and establishing guidelines relating to same, as well as sanitation and housing specifications.

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

Notice of proposed rulemaking appears at 31 Pa.B. 4654 (August 25, 2001).

1. Introduction

To better manage the number of live foxes being collected and held from the wild, the Commission at its June 12, 2001, meeting proposed, and at its October 2, 2001, meeting finally amended § 137.31 placing a limit on the number of foxes that can be held for urine collection purposes and providing for sanitation and housing of those foxes. The possession of live foxes for urine collection by a permittee under § 137.31(a)(1) is an exception to subsection (a), which makes it unlawful to take or possess live wildlife taken from the wild. The adopted change limits the number of live foxes that can be held for urine collection to five and imposes sanitation and housing requirements. These changes were adopted under authority contained in section 2901(b) of the code (relating to authority to issue permits).

2. Purpose and Authority

As is indicated in the Introduction of this Preamble, § 137.31(a) makes it unlawful to possess live wildlife taken from the wild. Section 137.31(a)(1) currently makes an exception for a person to possess live foxes taken from a wild state in this Commonwealth, under a permit issued for the collection of fox urine. The adopted changes limit this exception to five foxes and imposes sanitation and housing requirements.

Section 2901(b) of the code permits the Commission to adopt regulations to properly manage game and wildlife and control activities performed under a permit. This section provides the authority for the adopted changes.

3. Regulatory Requirements

The adopted change will limit the number of live foxes a permittee may keep under the current exception provision of § 137.31 and impose sanitation and housing requirements.

4. Persons Affected

Persons wishing to keep live foxes may be affected by the adopted change.

5. Comment and Response Summary

No official comments were received regarding this adopted change.

6. Cost and Paperwork Requirements

The adopted change may result in a small additional cost in complying with the housing and sanitation requirements. There will be no additional paperwork.

7. Effective Date

The adopted change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. Contact Person

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 469, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending § 137.31 to read as set forth in Annex A.

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

(c) This order shall take effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-133 remains invalid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION PART III. GAME COMMISSION CHAPTER 137. WILDLIFE

§ 137.31. Possession of live wildlife.

(a) It is unlawful for a person to possess live wildlife taken from a wild state within this Commonwealth except:

(1) A permit to possess no more than five live foxes may be issued to a person for the sole purpose of collecting fox urine. The permit to possess live fox will expire on the last day of the fox-trapping season. Any foxes held under the authority of this permit shall be euthanized and may be pelted and the pelt may be sold. No fox held under the authority of this permit may be released into the wild.

(2) A person lawfully operating under the authority of a permit issued in accordance with the act is excluded from this section.

(3) Sanitation and housing specifications for foxes held under authority of this permit shall be in accordance with §§ 147.283 and 147.285(4)(xvii) (relating to sanitation; and specifications).

(b) A person violating this subchapter will be subject to the penalties provided in section 2307 of the act (relating to unlawful taking or possession of game or wildlife).

[Pa.B. Doc. No. 01-1960. Filed for public inspection November 2, 2001, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CHS. 141 AND 147]
Special Permits for Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2001, meeting, adopted the following changes:

Amend §§ 141.41 and 141.43 (relating to general; and deer). With advent of the new special firearms deer season, the Commission needs to ensure that hunters participating in the new season wear the required day-light fluorescent orange-colored material and that trappers dispatching legally trapped furbearers with firearms during this season use only a .22 caliber rimfire. This can be accomplished by adding special firearms deer season to §§ 141.41(2) and 141.43(f).

Amend § 147.146 (relating to sale of inedible wildlife parts). The act of December 21, 1998 (P. L. 1274, No. 166) (Act 166) amended 34 Pa.C.S. § 2312 (relating to buying and selling game) giving the Commission authority to authorize by regulation the buying and selling of inedible parts of game and wildlife as it deems appropriate. This can be accomplished by adding § 147.146.

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

Amendments to §§ 141.41(2) and 141.43(f)

1. Introduction

In recent years, the Commission has established seasons and bag limits, through § 139.4 (relating to seasons and bag limits for the license year). In the seasons and bag limits adopted this year on April 10, 2001, the Commission adopted a 3-day special deer season and in final-form regulations adopted at the June 12, 2001, meeting, designated a special firearms season. To provide for hunter safety, the Commission at its June 12, 2001, meeting proposed, and at its October 2, 2001, meeting adopted the requirements of wearing 250 square inches of fluorescent orange-colored material on the head, chest and back, and the use of only .22 caliber rimfire firearms to dispatch trapped furbearers during the special firearms season.

These amendments are adopted under authority contained in section 2102(a) of the code (relating to regulations), which permits the Commission to promulgate regulations as it deems necessary and appropriate concerning "...the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife...."

2. Purpose and Authority

As was indicated in the Introduction, the adopted amendments will require deer hunters during the special firearms season to wear a minimum of 250 square inches of fluorescent orange-colored material under § 141.41(2). The material shall be worn on the head, chest and back combined so it is visible in a 360° arc. Additionally, the adopted changes will allow only the use of .22 caliber rimfire firearms to dispatch legally trapped furbearers during the special firearms season under § 141.43(f).

Section 2102(a) of the code directs the Commission to promulgate regulations relating to the ways, manner and means of hunting or furtaking. This section provides the authority for these adopted changes.

3. Regulatory Requirements

The adopted amendments will require persons hunting to wear fluorescent orange-colored material, and allow only the use of .22 caliber rimfire firearms to dispatch trapped furbearers during the special firearms season.

4. Persons Affected

Persons hunting for deer or furtaking during the special firearms season will be affected by the adopted amendments.

5. Comment and Response Summary

No official comments were received regarding these adopted amendments.

6. Cost and Paperwork Requirements

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

Amendment to § 147.146

1. Introduction

By Act 166, section 2312 of the code (relating to buying and selling game) was amended to authorize the Commission by regulation to allow the buying and selling of inedible parts of game and wildlife as it deems appropriate. Under that authorization, the Commission at its June 12, 2001, meeting proposed, and at its October 2, 2001, meeting adopted final-form amendments relating to the sale of inedible wildlife parts. The adoption includes wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display. Under the adoption, a permittee may sell inedible wildlife parts under limited circumstances.

This amendment is adopted under the authority contained in section 2102(a) of the code authorizing the Commission to promulgate the regulations as it deems necessary and appropriate concerning game or wildlife and section 2312(c)(2) of the code authorizing the Commission by regulation to authorize the buying and selling of inedible parts of game and wildlife as it deems appropriate.

2. Purpose and Authority

As indicated in the Introduction, the adoption would authorize a permittee to sell inedible wildlife parts under limited circumstances and would require a permit at a cost of \$5. Section 2102(a) of the code authorizes the Commission to promulgate regulations it deems necessary and appropriate concerning game or wildlife, and section 2312(c)(2) of the code authorizing the Commission by regulation to authorize the buying and selling of inedible parts of game and wildlife, provide authority for this adoption.

3. *Regulatory Requirements*

The adopted amendment would authorize the issuance of permits for the sale of inedible wildlife parts valid for 120 days.

4. *Persons Affected*

Persons wishing to sell inedible wildlife and wildlife parts may be affected by the adopted amendment.

5. *Comment and Response Summary*

No official comments were received regarding this adopted amendment.

6. *Cost and Paperwork Requirements*

The adopted amendment will result in a new permit and a fee of \$5. The permit fee offsets administrative costs of the new permit requirement.

Effective Date

The adopted amendments will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by amending §§ 141.41 and 141.43 and adding § 147.146 to read as set forth in Annex A.

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

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-134 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

(1) Hunt for big game birds or animals with arrows other than those tipped with broadheads of a cutting-edge design.

(2) Hunt for or assist to hunt for deer, bear or elk during the regular firearms season or special firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(3) Hunt for deer, bear or elk through the use of any muzzleloading handgun.

§ 141.43. Deer.

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

(1) Possess a firearm.

(2) Take a deer with a device not provided for in the act or this title.

(3) Move about or relocate during that portion of the archery deer season that is concurrent with any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

(b) *Flintlock muzzleloading and muzzleloading season.* Firearms lawful for use are original muzzleloading single-barrel long guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel long gun which:

(1) Is .44 caliber or larger and has open sights.

(2) Propels single-projectile ammunition.

(c) *Ignition.* Flintlock mechanisms shall consist of a hammer containing a naturally occurring stone which is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder.

(d) *Prohibitions.* It is unlawful to:

- (1) Use manmade materials attached to the hammer or frizzen to create sparks.
 - (2) Use telescope, aperture or peep sights.
 - (3) Use or possess single projectile ammunition other than specified in subsection (b)(2).
 - (4) Hunt, take or attempt to take deer through the use of a device not specifically described in this subsection.
 - (5) Hunt for or assist to hunt for deer during any flintlock muzzleloading or muzzleloading season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.
- (e) *Archery, special firearms, flintlock muzzleloader and muzzleloader seasons.* When archery, special firearms, flintlock muzzleloader or muzzleloader seasons run concurrently, holders of any of the appropriate licenses or stamps may cooperate if pertinent provisions of this section and the act are met.
- (f) *.22 caliber rimfire required for furbearers.* When using a firearm only a .22 caliber rimfire may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

CHAPTER 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§ 147.146. Sale of inedible wildlife parts.

- (a) Wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures may be sold if one of the following conditions is met:
- (1) The original owner is deceased.
 - (2) The original owner's assets are being liquidated.
- (b) Before selling a specimen, a permit shall be obtained from a Commission officer.
- (c) An executed copy of the permit application (PGC-12) shall list the items to be sold. The permit is valid for 120 days.
- (d) The fee for a permit issued under this section is \$5.
- (e) The original owner of a specimen may donate the specimen to a wildlife conservation organization, which may then sell the specimen without a permit for fund raising purposes.
- (f) Second and subsequent owners of wildlife parts acquired in accordance with section 2312(c)(1) of the act (relating to buying and selling of game) may sell the parts if included as part of a manufactured or finished product.
- (g) Second and subsequent owners of deer hides acquired in accordance with section 2312(c)(1) of the act may buy and sell the deer hides. Deer capes may only be sold by the original owner.
- (h) A person violating this section shall be subject to the penalties provided in section 2312 of the act.

[Pa.B. Doc. No. 01-1961. Filed for public inspection November 2, 2001, 9:00 a.m.]

GAME COMMISSION [58 PA. CODE CH. 147] Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2001, meeting, adopted the following changes:

Amend § 147.701 (relating to general) by adding paragraph (10) to provide for a permit to be issued to persons who wish to assist persons who are hunting or trapping bobcats. Since bobcat hunting-trapping permits are available on a limited basis by drawing, they are difficult to obtain. A person acting as a guide for or assisting a person with a bobcat permit to take a bobcat would be hunting without a license. The creation of a bobcat guide permit would allow holders of the guide permit to lawfully assist bobcat hunting-trapping permit holders in the taking of bobcats.

Amend Chapter 147, Subchapter T (relating to commercial wildlife pest control). Since the current Game and Wildlife Code (34 Pa.C.S.) became effective in 1987, there have been provisions for a commercial wildlife pest control permit but no corresponding regulations to clearly define the application process and activities of permit holders.

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

Amendment to § 147.701

1. Introduction

In 2000, the Commission for the first time in 30 years established a season for hunting or trapping bobcats. A limited number of permits have been available in the past, and a larger number of permits will be offered for the 2002 season. To assist a permittee hunting bobcats, the Commission at its June 12, 2001, meeting proposed, and at its October 2, 2001, meeting finally adopted, the addition of paragraph (10) establishing a permit to allow persons to act as guides in the hunting of bobcats. Section 2901(b) of the code (relating to authority to issue permits) authorizes the Commission, as deemed necessary to properly manage the game or wildlife resources, to promulgate regulations for the issuance of any permit and to control the activities which may be performed under authority of any permit issued.

2. Purpose and Authority

As is indicated in the Introduction, the addition of a bobcat guide permit would assist persons holding bobcat hunting permits by allowing them to secure the services of a permitted guide. Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit and provides the authority for the adopted change.

3. Regulatory Requirements

The adopted change would establish a permit and fee requirement. The fee shall be \$10 for residents and \$25 for nonresidents.

4. Persons Affected

Persons wishing to guide or assist another permitted person to hunt or take bobcats will be affected by the adopted change.

5. *Comment and Response Summary*

No official comments were received regarding this adopted change.

6. *Cost and Paperwork Requirements*

The adopted change would result in a permit application and fee submission of \$10 for residents and \$25 for nonresidents.

Addition of Change 147, Subchapter T

1. *Introduction*

Section 2904(17) of the code (relating to permit fees) authorizes a fee for a commercial wildlife pest control permit. While section 2904(17) of the code has authorized a permit, no regulations have been promulgated governing wildlife pest control permit issuance. To rectify this, and deal with an increasing nuisance wildlife problem, the Commission proposed at its June 12, 2001, meeting and adopted at its October 2, 2001, meeting, adding a Subchapter T. Section 2901(b) of the code authorizes regulations for permits as deemed necessary to properly manage the game or wildlife resources and to control the activities which may be performed under authority of any permit issued.

2. *Purpose and Authority*

As is indicated in the Introduction, the adopted regulations would set out conditions under which a person may obtain a commercial wildlife pest control permit, along with specific regulatory requirements that shall be followed by each permit holder. Section 2901(b) of the code provides the authority for the adopted regulations.

3. *Regulatory Requirements*

Those wishing to be issued a permit will have to file an application and pay a fee. Conviction of a code violation within 5 years of the date of the application may preclude the issuance of a permit. New agents shall successfully complete a supervised written examination. Additionally, records shall be kept and available for inspection, along with a report sent to the district wildlife conservation officer each month. The adopted regulations also outline the method and manner of humane dispatch of nuisance wildlife along with approved methods, devices and disposal. Finally, the adopted regulations specify unlawful acts relating to the wildlife pest control permit.

4. *Persons Affected*

Persons holding, or wishing to obtain a commercial wildlife pest control permit may be affected.

5. *Comment and Response Summary*

No official comments were received regarding these adopted regulations.

6. *Cost and Paperwork Requirements*

The adopted regulations require completion and submission of a permit application and payment of a \$25 application fee. An additional fee of \$50 will be required if the applicant passes the examination. There are also recordkeeping and reporting requirements.

Effective Date

The adopted regulations will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.701 and adding §§ 147.721 and 147.723—147.725 to read as set forth at 31 Pa.B. 5365 (September 22, 2001); and by adding §§ 147.722 and 147.726—147.728 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 31 Pa.B. 5365 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-135 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter T. COMMERCIAL WILDLIFE PEST CONTROL

§ 147.722. Definitions.

In addition to the definitions contained in the act and § 131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—A holder of a valid Commercial Wildlife Pest Control Permit or a legitimate employee.

Humane manner—When dispatching an animal, death shall be induced as quickly and painlessly as possible by any of the methods in § 147.727 (relating to humane methods).

Legitimate employee—An employee of record, one for which the employer deducts or pays taxes or other fees required by any local, state or the Federal government and is listed on the permit.

§ 147.726. Operation.

(a) Approved methods and devices are as follows:

(1) Foot hold traps, body gripping traps, box traps, cage traps, nets and snares.

(2) Agents who are certified pesticide applicators may take vertebrate species with pesticides in accordance with the regulations of the Department of Agriculture. See 7 Pa. Code Chapter 128 (relating to pesticides).

(3) Shooting with a firearm that will induce death as quickly and painlessly as possible.

(b) The agent shall have the approval of the property owner or lessee and confine all activities to that property.

(c) The permit shall be carried at all times and presented upon the request of any officer whose duty it is to enforce this part.

(d) Except as otherwise provided, it is unlawful to sell, trade, barter or transfer to another person any live or dead animal or parts taken under authority of this permit. Furbearer pelts are excluded from this provision provided the particular species is taken during the hunting or trapping season by the holder of a valid hunting or furtaking license as required.

(e) Devices shall be tagged or labeled with the permit number, or trapper I.D. number.

(f) Devices shall be checked by the agent or property owner at least once each calendar day, but only the agent may remove an animal from a trap.

(g) Nuisance wildlife captured alive shall within 24 hours be dispatched in a humane manner or released in an area open to hunting or trapping. Nontarget animals may be released at the site of capture.

(h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth.

§ 147.727. Humane methods.

Animals shall be dispatched using the following methods:

(1) Birds shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot, cervical dislocation, decapitation.

(2) Furbearers, small game and other small mammals shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot or penetrating captive bolt.

(3) Big game shall be dispatched through the use of: barbiturates, gunshot, penetrating captive bolt or chloral hydrate.

§ 147.728. Unlawful acts.

It is unlawful to:

(1) Control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

(2) Control any migratory birds unless the agent has the appropriate valid United States Fish and Wildlife Service depredation permit.

(3) Control any threatened or endangered species without proper permits and approval of the Commission.

(4) Fail to list or delete an employee from the permit.

(5) Dispatch any animal in any manner not defined as a humane manner in § 147.722 (relating to definitions).

(6) Violate any other provisions of this subchapter.

[Pa.B. Doc. No. 01-1962. Filed for public inspection November 2, 2001, 9:00 a.m.]

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 23, 2001.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-18-01	Jersey Shore State Bank Jersey Bank Lycoming County	1665 N. Atherton Pl. State College Patton Township Centre County	Filed
10-19-01	Brentwood Bank Bethel Park Allegheny County	Bethel Park Retirement Living Center 2960 Bethel Church Road Bethel Park Allegheny County	Filed
10-22-01	Pennsylvania Business Bank Philadelphia Philadelphia County	30 Elm Avenue Woodbury Heights Gloucester County, NJ	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-01	Commonwealth Bank Norristown Montgomery County	<i>To:</i> Giant Food Store Pottstown Plaza 799 State Road Pottstown Montgomery County <i>From:</i> Weis Market The Pottstown Center 223 Shoemaker Road Pottstown Montgomery County	Filed
10-19-01	Royal Bank of Pennsylvania Narberth Montgomery County	<i>Into:</i> 1340 Walnut Street Philadelphia Philadelphia County <i>From:</i> 1230 Walnut Street Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-1963. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services Block Grant State Plan

By this notice, the Department of Community and Economic Development (Department) hereby publishes its Community Services Block Grant State Plan to the United States Department of Health and Human Services for the 2002 and 2003 program years.

Comments will be received at a public hearing to be held at 10 a.m., November 13, 2001, in Conference Room 4 West, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

Written comments may be submitted to Dennis Darling, Director of the Office of Community Services, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, until 5 p.m. on November 5, 2001.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Dennis Darling at (717) 787-1984 to discuss how the Department may accommodate their needs.

Copies of the State Plan are available in the Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 or by calling (717) 787-1984.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 01-1964. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry (Bureau), and C & S Lumber Company, Inc. of Roulette, PA, are proposing to negotiate an exchange of lands in Clinton and Potter Counties, PA.

The Bureau is proposing to acquire from C & S Lumber Company, Inc. approximately 800 acres of land in Leidy Township, Clinton County, along the right fork of Beaverdam Run. This property is proposed as an addition for the Sproul State Forest.

In return, the Bureau proposes to convey to C & S Lumber Company, Inc. an isolated block of the Susquehannock State Forest, containing 91.25 acres of land located northeast of Lehman Run in Hector Township, Potter County.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing November 5, 2001, and ending December 4, 2001. Oral or

written comments or questions concerning this proposed exchange may be addressed to Dr. James R. Grace, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2703. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 01-1965. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application to Implement a New Two-Year Associate Degree-Granting Institution: Lancaster General College of Nursing and Health Sciences

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(a) (relating to general rule), the Department of Education (Department) will consider the application of the Lancaster General Hospital for a Certificate of Authority to operate a new 2-year college called Lancaster General College of Nursing and Health Sciences (LGCNHS) with authority to award associate degrees. If approved, LGCNHS would offer programs in Diagnostic Medical Sonography, Invasive Cardiovascular Technology, Clinical Care Services, Radiography and Surgical Technology, each leading to the Associate in Applied Science degree.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist (717) 787-7572; or Carol Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the previous office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Evans at (717) 787-7572 or Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 01-1966. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043966	Valley Forge Terrace Mobile Home Park 1311 Catfish Lane Norristown, PA 19403	Montgomery County Lower Providence Township	Catfish Dam Creek Tributary to Schuylkill River	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0035611 Sewage Nonmunicipal	PennDOT Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Susquehanna Lenox Township	Unnamed tributary of East Branch Tunkhannock Creek	Yes
PA-0012092	BOC Group, Inc. 100 Mountain Ave. Murray Hill, NJ 07974	Northampton Bethlehem City	Dry Swale tributary to the Lehigh Canal. (watershed #2C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084492	Strohecker Mobile Home Park 615-A Dunkle School Road Halifax, PA 17032-9455	Dauphin County Halifax Township	UNT Susquehanna River/6-C	Yes
PA0020648	Port Royal Municipal Authority P. O. Box 236 Port Royal, PA 17082	Juniata County Port Royal Borough and Milford Township	Juniata River/12-A	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209376 (Sewage)	Linda Geyer Twin Oaks Bar & Grill R. R. 1 DuBois, PA 15801	Clearfield County Brady Township	UNT Limestone Run 17-C	Y

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

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

PA024609, CAFO, Wenger's Feed Mill, Inc., 101 West Harrisburg Avenue, Rheems, PA 17570. This proposed facility is located in Mount Joy Borough, **Lancaster County**.

Description of Proposed Activity: Egg Basket is an existing chicken laying operation with a total AEU's of 1503. Approximately 6,750 tons of poultry manure are produced a year and stored in barns and then transferred by trucks to a broker who then coordinates the transportation to receiving farms. There are no tillable acres associated with this property.

The receiving stream, Little Chickies Creek, is in the State Water Plan watershed Chickies Creek Watershed and is classified for: T5F.

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.

Application No. PA 0088978, Sewage, West Pennsboro Township, 2150 Neville Road, Carlisle, PA 17013-8957. This facility is located in West Pennsboro Township, **Cumberland County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Conodoguinet Creek, is in Watershed 7-B and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on Conodoguinet Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.167 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus (4-1 to 10-31)	1.0	XXX	2.0
(11-1 to 3-31)	2.0	XXX	4.0
Total Residual Chlorine		Minimum of 5.0 at all times	
Dissolved Oxygen		From 6.0 to 9.0 inclusive	
pH			
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	

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 in effect.

Application No. PA 0246352, Industrial Waste, All American Plazas, Inc., P. O. Box 302, Bethel, PA 19507. This facility is located in Bethel Township, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated industrial waste.

The receiving stream, an unnamed tributary to Crosskill Creek, is in Watershed 7-D and classified for cold water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on Swatara Creek, approximately 40 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 0.031 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Benzene	0.001	0.002	0.0025
Toluene		Monitor and Report	
Ethylbenzene		Monitor and Report	
Cumene		Monitor and Report	
Naphthalene		Monitor and Report	
Fluorene		Monitor and Report	
Phenanthrene		Monitor and Report	

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 in effect.

Application No. PA 0246361, Sewage, **Alfred E. Peterman**, R. R. 3, Box 486F, Tyrone, PA 16686. This facility is located in Snyder Township, **Blair County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, an unnamed tributary to Decker Run, is in Watershed 11-A and classified for trout stocking, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 130 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD ₅	25
Suspended Solids	30	60
Total Residual Chlorine		Monitor and Report
pH		From 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		100,000/100 ml as a geometric average

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 in effect.

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

PA#209325, Industrial Waste, **Chemcoat, Inc.**, 2801 Canfield Lane, Montoursville, PA 17754-0188. This existing facility is located in Loyalsock Township, **Lycoming County**.

Description of Activity: The permittee discharges treated industrial wastewater from the groundwater remediation project.

The receiving stream, Loyalsock Creek, is in the State Water Plan watershed, #10B—Loyalsock and is classified for: Trout Stocked Fishery. The nearest downstream public water supply intake is located at Milton on the Susquehanna River, 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000341 mgd .

<i>Discharge Parameter</i>	<i>Mass Units (lbs/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>
Benzene			1		2.5
Total BTEX			100		250
Ethylbenzene			Monitor		
Toluene			Monitor		
Xylene			Monitor		

In addition to the effluent limits, the permit contains the following major special conditions: None.

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

PA0000558, Industrial Waste, SIC, **TrizecHahn Gateway, LLC**, Two Gateway Center, Suite 400, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge filter backwash and untreated noncooling water from Gateway Center in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, 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 (PWS) is West View Municipal Authority, located at West View, 5.3 miles below the discharge point.

Outfall 001: existing discharge, design flow of 19.71 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TRC			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				
Suspended Solids			30	60	
Iron			2	4	
Aluminum			4	8	
Manganese			1	2	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0002895, Industrial Waste, SIC 4911, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, cooling water, stormwater and leachate, untreated cooling water, stormwater and intake screen backwash from the Allegheny Energy Supply Company Mitchell Power Station in Union Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River (except Outfall 006 to Peters Creek and unnamed tributary 39584 for Outfall 007), classified as a warm water (trout stocked for 006) fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Pennsylvania American Water Company, located at Elrama, PA (Becks Run, Pittsburgh for Outfall 006) about 4 miles (15 miles for 006), below the discharge point.

Outfall 001: existing discharge, design flow of 147.124 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Temperature (°F)	Monitor and Report				
Heat (10 ⁶ BTU/day):			2-Year Interim		Final
January 1-31			48,533		14,231
February 1-29			52,918		10,376
March 1-31			127,004		20,753
April 1-15			140,612		13,786
April 16-30			140,612		55,144
May 1-15			92,532		15,120
May 16-31			154,220		45,360
June 1-15			117,932		40,024
June 16-30			117,932		35,577
July 1-31			61,688		20,160
August 1-31			55,035		22,828
September 1-15			43,242		17,936
September 16-30			43,242		19,567
October 1-31			43,544		16,009
November 1-15			48,382		11,859
November 16-30			38,706		7,115
December 1-31			36,287		7,115
Copper			Monitor and Report		
Mercury			Monitor and Report		
Total Residual Chlorine					0.2
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Other Conditions: ELG chlorination conditions (001), no net addition of pollutants to cooling water, notification prior to startup, thermal conditions for cooling water, pump runtime used for flow measurement (001), chemical additive, solids disposal, sewage sludge report, outfall heat warning sign, PCB discharge prohibition, demonstration of No Net Addition of Copper or Mercury (001), 3-year TRC compliance period/TRC minimization/effective disinfection (005), startup pH limit

(101, 201), no floating solids, supersedence of Part II effluent limits, mass and IMAX limits, percent removal (005), priority pollutant sampling methods, stormwater and emergency storm overflow conditions (102, 008, 019).

Outfalls 101 and 201: existing discharge, design flow of 0.0538 MGD (101) and 0.2816 MGD (201)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH (S.U.)	not less than 6.0 nor greater than 10.0				

Outfalls 301, 401, 501, 701, 801, 901, 111 and 121: existing discharge, design flow of 69.22 MGD (301), 69.35 MGD (401), 6.30 MGD (501), 4.59 MGD (701), "zero" MGD (801), "zero" MGD (901), 12.33 MGD (111) and 12.47 MGD (121)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				

Outfall 141: existing discharge, design flow of 0.055 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report				

Outfall 002: existing discharge, design flow of 0.0299 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron	Monitor and Report				
Aluminum	Monitor and Report				
pH (S.U.)	Monitor and Report				

Outfall 102: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids					50
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.36 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Debris collected on the intake trash racks cannot be returned to the waterway.					

Outfall 004: existing discharge, design flow of 0.704 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids	180	590	30	100	
Oil and Grease	90	180	15	20	
Total Residual Chlorine			0.5		1.17
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Outfall 104: existing discharge, design flow of 0.353 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Iron				1.0	
Copper				1.0	
pH (S.U.)	not less than 6.0 nor greater than 10.0				

Outfall 005: existing discharge, design flow of 0.002 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)	0.01				
CBOD ₅			25		50
Total Suspended Solids			30		60
Fecal Coliform (col/100 ml)					
(5-1 to 9-30)			200		1000
(10-1 to 4-30)			2,000		—
Total Residual Chlorine			1.4		3.3
pH (S.U.)			not less than 6.0 nor greater than 9.0		

Outfall 006: existing discharge, design flow of 0.0383 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				
Total Suspended Solids			30	100	
Oil and Grease			15		30
Iron, Total			3.5	7.0	
Boron			10	20	
Aluminum			2.0	4.0	
pH (S.U.)			not less than 6.0 nor greater than 9.0		

Outfall 007: existing discharge, design flow of 0.0516 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				
Total Suspended Solids			30	100	
Oil and Grease			15		30
Iron, Total			3.5	7.0	
pH (S.U.)			not less than 6.0 nor greater than 9.0		

Outfall 008: existing discharge.

<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				
Total Suspended Solids					50
	Emergency overflows to discharge only during storm events of 10 year/24 hour or greater intensity.				
pH (S.U.)			not less than 6.0 nor greater than 9.0		

Outfall 010: existing discharge.

<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				
Total Suspended Solids					50
Total Iron					50
	Emergency overflows to discharge only during storm events of 10 year/24 hour or greater intensity.				
pH (S.U.)			not less than 6.0 nor greater than 9.0		

Outfall 011: existing discharge, design flow of 0.0027 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				
COD					50
Total Suspended Solids					50
Total Kjeldahl Nitrogen					50
Total Iron					50
Aluminum					50

Outfall 012: existing discharge, design flow of "zero" 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				
Total Suspended Solids					50
Total Iron					50
Aluminum					50

Outfall to consist solely of uncontaminated stormwater.

Outfall 013: existing discharge, design flow of 0.0115 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
pH (S.U.)			Monitor and Report		
Total Iron			Monitor and Report		

Outfall 014: existing discharge, design flow of 0.0006 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
COD			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Total Iron			Monitor and Report		

Outfall 015: existing discharge, design flow of 0.0062 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
COD			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Total Iron			Monitor and Report		
Aluminum			Monitor and Report		

Outfall 017: existing discharge, design flow of 0.0062 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Total Iron			Monitor and Report		
Aluminum			Monitor and Report		

Outfall 019: existing discharge, design flow of 0.0288 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30

Outfall 020: existing discharge, design flow of 0.0095 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Total Iron			Monitor and Report		

The EPA waiver is not in effect.

PA0092045, Sewage, **Stanton Enterprises, Inc.**, 127 West Byers Avenue, New Stanton, PA 15672. This application is for Renewal of an NPDES permit to discharge treated sewage from Stanton Enterprises STP in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Gist Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: North Fayette County Municipal Authority.

Outfall 001: existing discharge, design flow of 0.01 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Weekly	Maximum Daily	
CBOD ₅		10			20
Suspended Solids		10			20
Ammonia Nitrogen (5-1 to 10-31)		3.0			6.0
(11-1 to 4-30)		9.0			18.0

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218987, Sewage. **John E. Hixon**, 100 Greensburg Street, Delmont, PA 15626. This application is for issuance of an NPDES permit to discharge treated sewage from the John E. Hixon Small Flow STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Site Storm Sewer to Drainage Swale to Poke Run, which are classified as a high-quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority on Beaver Run Reservoir.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0006378, Industrial Waste. **AK Steel—Sawhill Tubular Division**, 200 Clark Street, P. O. Box 11, Sharon, PA 16146-2473. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed discharge of treated I. W., noncontact cooling water and stormwater, is in watershed 20-A and classified for: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Consumers PA Water Co. intake on the Shenango River located at Sharon within 1 mile below the point of discharge.

The proposed effluent limits for Outfall are based on a design flow of 0.85 MGD.

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

The proposed effluent limits for Outfall 101 are based on a design flow of 0.045 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Suspended Solids	53	123	30	70	75
Lead	0.3	0.8	XX	XX	1.63
Zinc	0.4	1.1	XX	XX	2.2
Iron	0.4	1.45	XX	XX	2.2
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 201 are based on a design flow of 0.49 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	141	375			
Oil and Grease		94			
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 301 are based on a design flow of 1.13 MGD.

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

The proposed effluent limits for Outfalls 002—015 are based on a design flow of n/a MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron (Total)		XX		XX	
Zinc (Total)		XX		XX	
Oil and Grease				XX	

XX—Monitor and report.

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

—Stormwater sampling requirements.

The EPA Waiver is not in effect.

PA0238660, Sewage. **Ronald Fassett and Associates**, 474 Hadley Road, Greenville, PA 16125. This proposed facility is located in Otter Creek Township, **Mercer County**.

Description of Proposed Activity: a new discharge of treated sewage from a privately owned treatment works serving an office.

The receiving stream, unnamed tributary to Little Shenango River, is in watershed 20-A and classified for: trout stocked fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is Greenville Municipal Water Authority (Little Shenango River on the Little Shenango River located at 9.37 miles below point of discharge).

The proposed effluent limits for Outfall 001 based on a design flow of 200 GPD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted

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

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

this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

WQM Permit No. 4801403, Sewerage, **East Allen Township Municipal Authority**, 5340 Nor-Bath Boulevard, Northampton, PA 18067. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: The construction of gravity sanitary sewers, a pump station and forcemain to serve an existing village. The proposed project is designed to convey sanitary sewage from the Old Jacksonville Area of East Allen Township through a combination of gravity flow sewers and a force main to the existing forcemain previously constructed by the Keystone Cement Company. The design flow for the system is 14,500 GPD.

WQM Permit No. 4501407, Sewerage, **Mt. Pocono Municipal Authority**, 303 Pocono Blvd., Mt. Pocono, PA 18344. This proposed facility is located in Mt. Pocono Borough, **Monroe County**, PA.

Description of Proposed Action/Activity: Application for an increase in permitted discharge capacity from 400,000 GPD to 600,000 GPD to the Forest Hills Run and the addition of a Grit Removal System to the existing treatment process.

WQM Permit No. 3901403, Sewerage, **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Saucon Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: The project will construct a pumping station and sewer collection system to provide sewer service to a portion of the Stabler Business Park. The pumping station is a duplex submersible wastewater pumping station. All of the flow from the service area is pumped by the station to a gravity sewer within 1000' of the Upper Saucon Authority Wastewater Treatment Plant. The design flow of the pumping station is 155,703 GPD.

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

WQM Permit No. 2201408, Sewerage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of a sewer extension to serve the Waverly Woods Development.

WQM Permit No. 2201407, Sewerage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of a sewer extension for the Water Woods, Maragrets Gove and Deer Path Woods developments and replacement of the Pheasant Hills sewers.

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted 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 DEP Regional Office during the 30-day public comment period.

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

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

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

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

Monroe County Conservation District: 8050 Running Valley Rd., Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S009-1-R	Resorts, USA P. O. Box 447 Bushkill, PA 18324	Monroe County Middle Smithfield Township	Sand Hill Creek HQ-CWF

Northampton County Conservation District: Greystone Bldg., Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U160	Joseph Panuccio Red Rock Land Corp. R. D. 1, Box 715 Pen Argyl, PA 18072	Northampton County Forks Township	Bushkill Creek HQ-CWF

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).

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

Permit No. 0391501-A4, Public Water Supply.

Applicant	Kittanning Suburban Joint Water Authority
Township or Borough	Cadogan Township

Responsible Official	Richard Lauer, Manager Kittanning Suburban Joint Water Authority R. R. 1 Box 23 Adrian, PA 16210-9712
Type of Facility	Tank
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	October 18, 2001
Description of Action	Replacement tank

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under 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:

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

PPL—Palmerton Substation, Lower Towamensing Township, **Carbon County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard. A summary of the Notice of Intent to Remediate will be published in *The Times News*.

Federal Mogul Corporation, Weatherly Borough, **Carbon County**. Jeffrey A. Hassen, P.G., Senior Project Director, Environmental Strategies Corporation, 4 Penn Center West, Suite 315, Pittsburgh, PA 15276 has submitted a Notice of Intent to Remediate (on behalf of his client, Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034) concerning the remediation of site groundwater found or suspected to have been contaminated with solvents. The applicant proposes to remediate the site to meet both the site-specific and Statewide health standards. A summary of the Notice of Intent to Remediate was reportedly published in Hazleton's *The Standard Speaker* on or about October 17, 2001.

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

Blackberry Substation, City of Harrisburg, **Dauphin County**. PPL Electric Utilities, Two North Nine Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on October 1, 2001.

Schneider National Terminal, Bedford Township, **Bedford County**. Environmental Products & Services, Inc., P. O. Box 501, Carnegie, PA 15106 (on behalf of Schneider National Terminal, 5906 Business Route 220, Bedford, PA 15522) has submitted a Notice of Intent to Remediate site soils contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bedford Gazette* on April 11, 2001.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

National Forge Company (SPEDD site), Parcel 2 of Phase One (Warren Industrial Complex) City of Warren, **Warren County** and Mark Miller, P.G., of Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and Solvents. The applicant proposes to remediate the site in a Special Industrial Area. A summary of the Notice of Intent to Remediate was published in the *Warren Times Observer* on September 13, 2001.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

PAD002387926. Merck & Co., Inc., P. O. Box 4, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. This RCRA Part B renewal was submitted for the previously captioned site. Application was received in the Southeast Regional Office on October 15, 2001.

RESIDUAL WASTE GENERAL PERMITS

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 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 Application No. WMGR078. Bedrock Stone & Stuff, Inc., P. O. Box 279, Shoemakersville, PA 19555. General Permit application numbered WMGR078 is for the processing and beneficial use of mushroom soil, dredged sand and topsoil to create a landscaping soil product. Central Office received the application on September 20, 2001, and determined administratively complete on October 18, 2001.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about

the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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.

Application No. 101494. Waste Management of Pennsylvania, Inc., 1121 Bordentown Road, Morrisville, PA 19067. This application was received for modification of the leachate management plan to include leachate recirculation at the Tullytown Resource Recovery Facility Landfill. Facility located in Falls Township, **Bucks County**. This application was received in the Southeast Regional Office on October 22, 2001.

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

Permit Application No. 100758. The Harrisburg Authority, One Keystone Plaza, Suite 104, Harrisburg, PA 17101, City of Harrisburg, **Dauphin County**. Application received for permit renewal at the Harrisburg Materials, Energy, Recycling and Recovery Facility. The application was determined to be administratively complete by the Southcentral Regional Office on October 22, 2001.

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

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

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

establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mines sites. The application for determination of applicability was deemed administratively complete by the Division of Municipal and Residual Waste on October 9, 2001.

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

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.

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

48-399-049: North American Pharmaceutical Packaging (MARCO, 19701 Clark Graham Boulevard, Baie D'Urfe, Quebec, Canada H9X3T1) for construction of a blister packaging operation and associated air cleaning device in Bethlehem Township, **Northampton County**.

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

01-05032: Pella Corp. (102 Main Street, Pella, IA 50219) for the construction of a wood treatment operation controlled by a catalytic oxidizer at its Gettysburg Plant in Straban Township, **Adams County**.

28-05001: Martin's Famous Pastry Shoppe, Inc. (1000 Potato Roll Lane, Chambersburg, PA 17201) for the installation of two baking ovens controlled by a catalytic oxidizer in Guilford Township, **Franklin County**.

67-03063A: Advanced Recycling Technology, Inc. (340 South Broad Street, Hallam, PA 17406) for the construction of an Industrial Dryer at 340 South Broad Street in Hallam Borough, **York County**.

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

14-00002A: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) for construction of a 1,200 ton per day rotary lime kiln and associated air cleaning device (a fabric collector), a 1,050 ton per day rotary lime kiln and associated air cleaning device (a fabric collector) and ancillary material handling facilities and associated air cleaning devices (fabric collectors) in Spring Township, **Centre County**. The construction will be subject to the Federal Prevention of Significant Deterioration (PSD) requirements as well as Subparts HH, 000 and possibly Y, of the Federal Standards of Performance for New Stationary Sources.

18-00011D: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) to construct four bulk storage tanks (having a capacity of 8,000 to 12,000 gallons each) and associated distribution systems to store and distribute propylene oxide, epichlorohydrin, dimethyl sulfate and diethanolamine, all four of which are considered to be hazardous air pollutants, in Bald Eagle Township, **Clinton County**. These tanks and distribution systems are subject to Subpart PPP of the National Emissions Standards for Hazardous Air Pollutants.

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

43-011B: Greenville Metals, Inc. (99 Crestview Drive Ext. Transfer, PA 16154) for post-construction of a shot blast unit and cartridge collector (18,000 ACFM) in Pymatuning Township, **Mercer County**. This facility is a Title V facility.

37-003C: ESSROC Cement Corp. (P. O. Box 779, East Poland Avenue, Bessemer, PA 16112-0779) for installation of two baghouses (38,253 ACFM and 53,000 ACFM) on clinker cooler Nos. 4 and 5, in Bessemer, **Lawrence County**. This facility is a Title V facility.

33-055A: Glen-Gery Corp. (Route 28, Summerville, PA 15864) for construction of a new tunnel kiln, brick dryers and flash dryer in Summerville, **Jefferson County**. The new sources will replace two existing tunnel kilns and eight existing brick dryers. This facility is a Title V facility.

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.

09-0061: Donaldson Co., Inc. (100 Railroad Drive, Ivyland, PA 18974) for installation of an extrusion line with regenerative thermal oxidizer in Northampton Township, **Bucks County**. This facility is a minor facility. The installation of this source will result in an increase of 4.4 tons of VOCs per year. The Plan Approval will contain record keeping requirements to keep the facility operating within the allowable emissions and all applicable air quality requirements.

23-0047C: Degussa Corp. (1200 West Front Street, Chester, PA 19013) for installation of a spray dryer. The facility is a Synthetic-Minor facility in City of Chester, **Delaware County**. The installation of this source will result in an increase of 11.28 tons of NOx per year. The Plan Approval will contain record keeping requirements to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-0115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) for installation of two identical natural gas/No. 2 fuel oil-fired boilers in West Goshen Township, **Chester County**. The boilers, each rated at 12.55 MMBtu/hr and equipped with low-NOx burners and flue gas recirculation, will have a potential-to-emit of less than 2 tons for all criteria pollutants, each based on a 12-month rolling sum. The Plan Approval and Operating Permit will contain record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0015D: Rohm and Haas Co. (Route 413 and State Road, Bristol, PA 19007) for installation of a catalytic oxidizer on CRU and CRUX processes in Bristol Township, **Bucks County**. This facility is a Title V facility. The installation of this source will result in an increase of 2.6 tons of NOx per year and 1.3 tons of Volatile organic Compounds (VOC) per year. The Plan Approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0124B: S.W.E.C., LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) for construction and expand their plant to double the size of its combined-cycle electric power generation plant to 1190 MW at their facility in the USX Industrial Park in Falls Township, **Bucks County**. 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 the Department's own analysis, the operation of the completed facility will emit 488.7 tons per year of nitrogen oxides (NO_x), 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 (SO₂). 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</i>
		μg/m ³
CO	1 hour	65.15
CO	8 hour	35.32
NO ₂	Annual	0.83
PM-	24 hour	4.34
PM-	Annual	0.50
SO ₂	3 hour	2.66
SO ₂	24 hour	0.81
SO ₂	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 NO_x combustion, a selective catalytic reduction system and an oxidation catalytic 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. The Department 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 the Department 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 Departmental action, a request for the extension must be postmarked at least 30 days prior to the expiration date. The Department 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—ERC Use and Transfer Requirements 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 (NO_x) 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 NO_x 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 com-

munications to both the EPA and the Department. The EPA copies shall be forwarded to Director, Air Protection Division, U.S. 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; and,
- ii. Have an Acid Rain permit.

NOx Allowance Requirements

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

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)).

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 eight 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 two 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 following limitations:

<i>Pollutants</i>	<i>Units</i>	<i>Emissions*</i>
Nitrogen Oxides (NOx)	ppmvd@15%O ₂	3.0
Volatile Organic Compounds (VOC)**	lb/MMBtu	0.002
Carbon Monoxide (CO)	ppmvd@15%O ₂	3.0
Particulate Matters (PM and PM-10)	lb/MMBtu	0.014
Sulfur Dioxide (SO ₂)	lb/MMBtu	0.002
Ammonia Slip Concentration	ppmvd@15%O ₂	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>
	lb/startup	lb/startup	lb/startup	lb/shutdown
NOx	321	223	219	48
VOC	181	70	23	8.5
CO	474	435	192	28.8
PM/PM ₁₀	43.2	43.2	43.2	43.2
SO ₂	10.9	10.9	10.9	10.9

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

<i>Pollutants</i>	<i>Emission Limits</i>		
	lb/MMBtu	lb/hr/boiler	TPY (total)
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 ₂)	0.002	0.09	0.3

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

<i>Pollutants</i>	<i>Emission Limits</i>		
	lb/MMBtu	lb/hr/boiler	TPY (total)
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 ₂)	0.002	0.02	0.28

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

<i>Pollutants</i>	<i>Emission Limits</i>		
	g/hp-hr	lb/hr/unit	TPY (total)
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 ₂)	1.0	2.6	1.3

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

<i>Pollutants</i>	<i>Emission Limits</i>		
	g/hp-hr	lb/hr	TPY
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 ₂)	0.47	0.2	0.06

G. The PM emissions from the cooling towers shall not exceed 0.53 pound 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 following limitations:

<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 ₂)	96.3
Sulfur Acid (H ₂ SO ₄) 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_x) emissions, carbon monoxide (CO) emissions and oxygen (O₂) content in the flue gas.

B. The continuous emission monitoring systems for NO_x, CO and O₂ shall be approved by the Department 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 the Department'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 the Department'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 the Department'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_x, CO, O₂

Data Availability	≥ 90% valid hours/calendar month
	≥ 95% valid hours/calendar quarter
Valid Hour	≥ 75% valid readings (45 minutes/hour)

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 § 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 PM₁₀.

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 the Department 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.

39-318-105A: Ultra Hi-Tek Products, Inc. (827 North Meadow Street, Allentown, PA 18102) for installation and operation of an air cleaning device (catalytic oxidizer) to control a film coating line in Allentown, **Lehigh County**. The catalytic oxidizer replaces the previously approved air cleaning device (thermal oxidizer). The facility is a non-Title V (State only) facility. The installation of the catalytic oxidizer will result in the emission of 5.0 tons per year of volatile organic compounds. 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.

06-03078A: Brush Wellman Inc. (P. O. Box 973, Reading, PA 19603) for the construction of a beryllium alloy cleaning operation controlled by four scrubbers in Perry Township, **Berks County**. The plant is a non-Title V facility. This new operation will result in the emission of less than 1 ton per year of both particulate and hazardous air pollutants. The applicant will be required to limit the beryllium content in the alloys to less than 5% by weight. The approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within applicable air quality requirements.

06-05037B: McConway & Torley Corporation (230 Railroad Street, Kutztown, PA 19530) for the installation of a fabric collector to control particulate emissions from the finishing operations in Kutztown Borough, **Berks County**. The steel foundry is a non-Title V (state-only) facility. The operation has a potential particulate emission rate of 2 tons per year. The approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all air quality requirements.

67-03041A: County Line Quarry, Inc. (P. O. Box 99, Wrightsville, PA 17368) for the installation of a fabric filter to control particulate matter emissions from a crushing operation at the Wrightsville Quarry located in Hellam Township, **York County**. The stone crushing plant is a non-Title V (State-only) facility. The crushing operation has the potential-to-emit particulate matter at less than 1 ton per year after control. The crushing operation and installation of the fabric filter are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The

plan approval will include emission restrictions, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

67-05032C: Harley-Davidson Motor Company Operations, Inc. (1425 Eden Road, York, PA 17402) for the expansion of the existing motorcycle manufacturing plant in Springettsbury Township, **York County**. Metal fabrication, finishing and surface coating systems will be installed along with the required emission control devices. Potential emissions from the Title V facility will not increase significantly and the existing 50-tons/year cap on VOC emissions will remain in place. The plan approval will include provisions for emission testing, monitoring, record keeping and reporting designed to ensure compliance with the applicable requirements.

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

49-317-003: Butter Krust Baking Co., Inc. (249 North Eleventh Street, Sunbury, PA 17801) for plan approval to construct a bread and roll baking line at its existing plant in Northumberland Borough, **Northumberland County**. This baking line may potentially result in the emission of 0.21 ton per 12 consecutive month period of particulate matter, all of which may also be particulate matter less than 10 microns (PM₁₀), 2.76 tons per 12 consecutive month period of nitrogen oxides, 2.32 tons per 12 consecutive month period of carbon monoxide, 0.02 ton per 12 consecutive month period of sulfur oxides and 7.71 tons per 12 consecutive month period of volatile organic compounds. A preliminary review of the information submitted by Butter Krust Baking Company, Inc. indicates that the source will meet all applicable air quality requirements including the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the baking line. Additionally, if the Department determines that the baking line is operating in compliance with all applicable plan approval conditions and regulatory requirements, following its construction, the conditions established in the plan approval will be placed into an operating permit.

In order to ensure compliance with all applicable air quality standards, the Department of Environmental Protection proposes to place the following conditions in the respective plan approval:

1. This plan approval is issued for the construction of a bread and roll baking line consisting of equipment and staging areas used for mixing and proofing of dough and a Baker Perkins BP-960 tunnel oven equipped with 91 natural gas-fired burners providing a total heat input of 5,495,000 Btu per hour.

2. The volatile organic compound emissions from the Baker Perkins oven shall be controlled by a VMB Systems, Inc. model M4X regenerative catalytic oxidizer.

3. The outlet temperature of the catalyst bed incorporated in the catalytic oxidizer shall not drop below 700(F) during any time that the oxidizer is being used to control volatile organic compound emissions from the oven. Additionally, the oxidizer shall be equipped with alarms that will alert the operator during any of the following events: high oxidizer temperature, automatically-initiated high temperature shutdown, high gas pressure, low gas pressure, low process fan pressure, low combustion fan pressure, low catalyst outlet temperature and flameout (detected by a UV scanner).

4. The volatile organic compound destruction efficiency achieved by the catalytic oxidizer shall not be less than 95%.

5. The air contaminant emissions from the baking line shall never exceed the following limitations:

Contaminant	Emissions	
	(tons per 12 consecutive month period)	
PM/PM ₁₀		0.21
SOx		0.02
CO		2.32
NOx		2.76
VOCs		7.71

6. The inlet and outlet temperatures of the catalyst bed incorporated in the catalytic oxidizer shall be continuously monitored and recorded during all periods of operation (including startup and shutdown) via a chart recorder or similar device.

7. The company shall maintain comprehensive, accurate records of the following:

a. Identity and quantity of bread and roll products produced on a monthly basis,

b. Initial yeast content and total yeast action time (fermentation time + floor time + intermediate proof time + final proof time) for each bread and roll product produced on a monthly basis,

c. Spike yeast content and spiking time (floor time + intermediate proof time + final proof time) for each bread and roll product produced on a monthly basis,

d. Amount of natural gas burned in the oven on a monthly basis.

The company shall retain these records onsite for at least 5 years and shall make these records available to the Department upon request.

8. Within 120 days of startup of the oven the company shall perform stack testing upon the catalytic oxidizer in order to verify the volatile organic compound destruction efficiency. All testing shall be performed using reference method test procedures acceptable to the Department.

08-322-001D: Northern Tier Solid Waste Authority (P. O. Box 10, Burlington, PA 18814-0010) for plan approval to construct a landfill gas-fired reciprocating engine in West Burlington Township, **Bradford County**. This engine may potentially result in the emission of 22 tons per 12 consecutive month period of nitrogen oxides, 33 tons per 12 consecutive month period of carbon monoxide and 4.4 tons per 12 consecutive month period of nonmethane organic compounds. A preliminary review of the information submitted by the Northern Tier Solid Waste Authority indicates that the engine will meet all applicable air quality requirements including the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the engine. Additionally, if the Department determines that the engine is operating in compliance with all applicable plan approval conditions and regulatory requirements after it is constructed, the Department intends to administratively amend Operating Permit 08-322-001A to incorporate the conditions established in the plan approval.

In order to ensure compliance with all applicable air quality standards, the Department proposes to place the following conditions in the respective plan approval:

1. This plan approval is issued for the construction of an 815 kW Caterpillar 3516-LE landfill gas-fired reciprocating engine equipped with clean burn technology (preignition system).

2. The engine shall comply with the following emission limitations:

<i>Contaminant</i>	<i>Limit (grams per brake horsepower hour)</i>
Nitrogen oxides (expressed as NO ₂)	2.0
Carbon monoxide	3.0
Nonmethane organic compounds	0.40

Additionally, the engine shall either provide a minimum nonmethane organic compound destruction efficiency of 98% for all nonmethane organic compounds contained in the landfill gas or maintain a maximum nonmethane organic compound concentration of 20 ppmvd, as hexane, corrected to 3% oxygen at the engine exhaust.

3. The Northern Tier Solid Waste Authority shall monitor the exhaust of the engine for oxygen, nitrogen oxides and carbon monoxide content at least once per month using instrumentation capable of accurately measuring the substances and shall record the monitored values as well as the date and time of each occurrence of monitoring in writing. These records are to be retained for at least 5 years and shall be made available to the Department upon request. The Authority shall additionally adjust the engine on the basis of the monitored values as needed to maintain compliance with the air contaminant emission limitations specified in condition 2.

4. All collected landfill gas shall be vented to either the engine identified herein or the existing LFG Specialties, Inc. #PEF7.535I10 enclosed ground-type flare identified in Operating Permit 08-322-001A. Under no circumstances shall any collected landfill gas be vented directly to atmosphere.

5. Within 120 days of startup of the Caterpillar engine, the Authority shall perform stack testing upon the engine exhaust for the following air contaminants: nitrogen oxides, carbon monoxide and nonmethane organic compounds. Additionally, the Authority shall test both the landfill gas inlet pipe to the engine and the engine exhaust in order to determine the nonmethane organic compound destruction efficiency in the engine. All testing shall be performed using reference method test procedures acceptable to the Department.

6. The landfill is subject to Subpart Cc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.30c—60.36c.

18-00011C: Croda, Inc. (P. O. Box 178, Mill Hall, PA 17751-0178) for plan approval to construct 49 volatile organic compound-containing storage tanks in Bald Eagle Township, **Clinton County**. These storage tanks may potentially result in the emission of 5.07 tons per 12 consecutive month period of volatile organic compounds, 0.14 ton of which may also be hazardous air pollutants. A preliminary review of the information submitted by Croda, Inc. indicates that the storage tanks will meet all applicable air quality requirements including the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the 49 storage tanks. Additionally, if the Department determines that the storage tanks are operating in compliance with all applicable plan approval conditions and regulatory requirements, the conditions established in the plan approval will be incorporated into the Title V operating permit via administrative amendment in accordance with 25 Pa. Code § 127.450.

Croda, Inc. is a major facility for which a Title V operating permit (#18-00011) has been issued.

In order to ensure compliance with all applicable air quality standards, the Department of Environmental Protection proposes to place the following conditions in the respective plan approval:

1. This plan approval is issued for the construction of the following 49 volatile organic compound-containing storage tanks:

409	491	507	485	423	128	244
436	492	478	486	424	118	247
114	493	479	487	425	248	120
115	494	504	488	426	435	497
408	469	421	489	433	405	500
407	506	483	490	455	256	505
458	475	484	422	127	257	499

2. The volatile organic compound emissions from the 49 storage tanks shall never exceed 5.07 tons per 12 consecutive month period. Additionally, the hazardous air pollutant emissions from the tanks shall never exceed 0.14 ton per 12 consecutive month period.

3. Tanks 409 and 497 shall each be equipped with a pressure relief valve that complies with the provisions of § 129.57 of Chapter 129 of Article III.

4. The company shall maintain comprehensive, accurate records of the identity of the contents of each tank and the throughput of each tank on a monthly basis. The company shall retain these records onsite for at least 5 years and shall make these records available to the Department upon request.

41-00005A: Textron Lycoming (625 Oliver Street, Williamsport, PA 17701) has submitted an application to the Department of Environmental Protection (Department) for approval to construct an aircraft engine surface coating spray booth, the air contaminant emissions from which shall be controlled by a dry filter system, at their facility located in Williamsport, **Lycoming County**.

Textron Lycoming is a major facility for which a Title V operating permit (41-00005) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that the previous source will have the potential to emit up to 3.0 tons of volatile organic compounds and hazardous air pollutants per year, as well as an insignificant amount of

particulate matter. However, construction of the previous source will not increase the emission of any air contaminant above the level currently authorized for the facility as it will replace an existing surface coating spray booth.

A preliminary review of the information submitted by the applicant indicates that the proposed surface coating spray booth will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval:

- The particulate matter concentration of the exhaust from the spray booth shall not exceed 0.01 grain per dry standard cubic foot.
- The combined total emission of volatile organic compounds from the respective spray booth and the ES-5 touch-up spray booth shall not exceed 3.0 tons during any 12 consecutive month period.
- The combined total emission of hazardous air pollutants from the respective spray booth and the ES-5 touch-up spray booth shall not exceed 3.0 tons during any 12 consecutive month period.
- The company shall apply all coatings in the respective spray booth with high volume low pressure (HVLP) spray equipment unless the Department approves an alternate application method.
- The company shall not use volatile organic compound or hazardous air pollutant containing solvents to clean spray equipment associated with the respective spray booth.
- The respective spray booth shall be equipped with a full set of filters at any time the subject booth is in operation.
- The dry filter system shall be equipped with instrumentation to continuously monitor the differential pressure across the filters.
- The company shall maintain monthly records of each coating and cleanup solvent used in the respective spray booth. The records generated for each calendar quarter shall be submitted to the Department. These records shall be retained for at least 5 years and be made available to the Department upon request.
- The surface coating spray booth is subject to 25 Pa. Code § 129.73, as well as Subpart GG of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.741–63.753.

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.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

15-00035: LNP Engineering Plastics, Inc. (251 South Bailey Road, Thorndale, PA 19372) in Caln Township, **Chester County**. The facility's major emission points include 12 thermocomp manufacturing lines, three part cleaning pyrolysis ovens, five Reznor roof space

heaters and two degreasing operations has the potential to emit major levels of volatile organic compounds (VOC).

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.

54-317-003: Michaels Foods (Papetti's Hygrade Egg Products, Inc., Spain Road, P. O. Box 76, Klingerstown, PA 17941) for operation a boiler and egg drying operation and associated air cleaning device in Hublely Township, **Schuylkill County**.

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

22-05046: Handwerk Materials, Inc. (P. O. Box 196, Skippack, PA 19474) for operation of a batch asphalt plant in Lower Swatara Township, **Dauphin County**. Particulate matter emissions are controlled by cyclone and fabric filter. The synthetic minor operating permit will contain monitoring and recordkeeping conditions designed to ensure the facility operates in compliance with the applicable air quality requirements.

36-03092: Union Quarries, Inc. (P. O. Box 686, Carlisle, PA 17013) for operation of a crushing plant at the Rheems Quarry in West Donegal Township, **Lancaster County**. Particulate matter emissions are controlled by a wet suppression system and fabric filter. The natural minor operating permit will contain monitoring and recordkeeping conditions designed to ensure the facility operates in compliance with the applicable air quality requirements.

67-05070: Graham Packaging Company, L.P. (2401 Pleasant Valley Road, York, PA 17402) for operation of its plastic bottle coating operation controlled by regenerative thermal oxidizers in Manchester Township, **York County**. Post-control volatile organic compound (VOC) emissions are estimated at several tons per year. The synthetic minor operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements.

67-05015: Topflight Corporation (277 Commerce Drive, Glen Rock, PA 17327) for operation of a customized labeling operation at their plant located in Glen Rock Borough, **York County**. The synthetic minor operating permit will contain conditions limiting the emissions of volatile organic compounds, each hazardous air pollutant (HAP) and the combination of HAPs to below 50, 10 and 25 tons per year, respectively, as well as monitoring, recordkeeping and reporting conditions that ensure that the facility complies with the applicable air quality requirements.

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

33-00038: Brookville Wood Products Inc. (R. D. 1, Box 460, Brookville, PA 15825) for a Natural Minor Permit to operate a sawmill, wood processing facility in Pinecreek Township, **Jefferson County**.

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 the 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

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

26900109. Chess Coal Company (15 Chess Road, Smithfield, PA 15478). Application received to change the postmining land use from forestland to pastureland or land occasionally cut for hay, to revise the erosion and sedimentation control plan and to add 27 acres to the existing permit area, as well as the Sewickley coal seam, at an existing bituminous surface mining site located in Georges Township, **Fayette County**, currently affecting 186 acres. The additional acreage would bring the permitted acreage up to 213 acres. Receiving streams: unnamed tributary to York Run, classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Application received: October 19, 2001.

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

11960202. Ebensburg Power Company, 20 S. Van Buren Avenue, Barberton, OH 44203-0351, renewal for continued operation of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: coal water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 11, 2001.

56663135. Zubek, Inc., 173 House Coal Road, Berlin, PA 15530-8822. Permit revision to change the land use from pastureland to industrial-commercial land in Stonycreek Township, **Somerset County**, affecting 128.2 acres. Receiving stream: to Schrock Run classified for the following use: cold water fishery. There are no downstream potable water supply intakes within ten miles of the point of discharge. Application received: October 12, 2001.

11960201 and NPDES Permit No. PA0234248. Smith Energy, Inc., 1075 Chestnut Street, Nanty Glo, PA 15943. Permit renewal for reclamation only for continued restoration of a bituminous coal refuse reprocessing mine and for existing discharge of treated mine drainage in Nanty Glo Borough, **Cambria County**, affecting 7.4 acres. Receiving stream: Pergrin Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream from the point of discharge. Application received: October 16, 2001.

56980107. Dunamis Resources, Inc., One Energy Place, Suite 4000, Latrobe, PA 15650. Permit Revision to change the post-mining land use from forestland to unmanaged natural habitat in Milford Township, **Somerset County**, affecting 277.0 acres. Receiving stream: unnamed tributaries to/and Casselman River and South Glade Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 17, 2001.

11850110 and NPDES Permit No. PA0597431. E. P. Bender Coal Company, Inc., Main and Lehmiere Streets, P. O. Box 594, Carrolltown, PA 15722. Permit renewal for reclamation only for continued restoration of

a bituminous surface and auger mine and for existing discharge of treated mine drainage in White Township, **Cambria County**, affecting 144.0 acres. Receiving streams: Dutch Run and its unnamed tributaries classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 16, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

63921301. NPDES Permit # PA0214434, UMC0 Energy, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the New Century Mine in Fallowfield and Carroll Townships, **Washington County** to add 50.5 surface acres for beltway, Surface Acres Proposed 50.5, 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 use: n/a. The first downstream potable water supply intake from the point of discharge is n/a. Application received: May 8, 2001.

32841302. NPDES Permit # PA007803, Pennsylvania Mines LLC (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenwich No. 1 and No. 2 Mine in Green and Susquehanna Townships, **Indiana and Cambria Counties**, 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 use: n/a. The first downstream potable water supply intake from the point of discharge is n/a. Application received: September 10, 2001.

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

16010102. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous surface strip operation in Clarion Township, **Clarion County** affecting 23.3 acres. Receiving streams: unnamed tributaries to Brush 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 12, 2001.

33910107. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Beaver Township, **Jefferson County** affecting 91.5 acres. Receiving streams: unnamed tributary of Red Run and Red Run, classified for the following uses: Statewide water uses: CWF. The first downstream potable water supply intake from the point of discharge is on Redbank Creek for the Hawthorn Municipal Authority. Application for reclamation only. Application received: October 18, 2001.

33010104. McKay Coal Company, Inc. (R. D. 2, Templeton, PA 16259). Commencement, operation and restoration of a bituminous surface strip operation in Clover Township, **Jefferson County** affecting 29.5 acres. Receiving streams: three unnamed tributaries to Runaway Run and Runaway 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 16, 2001.

1554-33010104-E-1. McKay Coal Company, Inc. (R. D. 2, Templeton, PA 16259). Application for a stream encroachment to allow for the construction of sediment ponds and ditches to control sediment and erosion in Clover Township, **Jefferson County** affecting 29.5 acres. Receiving streams: three unnamed tributaries to Run-

away Run and Runaway 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 16, 2001.

Noncoal Applications Received

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

48010302. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), commencement, operation and restoration of a quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 102.0 acres. Receiving stream—none, no discharge. Application received: October 12, 2001.

58900302C2. Stateline Quarries, Ltd. (2183 Pennsylvania Avenue, Apalachin, NY 13732), renewal of existing NPDES Permit # PA0595471 in Apolacon Township, **Susquehanna County**. Receiving streams: unnamed tributary to Apalachin Creek and Cork Hill Creek. Application received: October 17, 2001.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-826. Richard M. Welch, 1998 Irrevocable Living Trust, P. O. Box 58, Mechanicsville, PA 18934, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 26-foot long by 14-foot wide timber bridge with concrete abutments and wingwalls spanning an unnamed intermittent tributary to the Paunacussing Creek (HQ-CWF). This project is associated with lot 2 of the proposed Spring Oak Farm Subdivision. The road crossing will include the installation of utility crossings to be encased in conduits and entrenched under the stream channel at the bridge locations. This site is located 500 feet north of the intersection of Mechanicsville Road and Sheffield Drive (Buckingham, PA Quadrangle North: 21.5 inches; West: 7.35 inches).

E09-827. Richard M. Welch, 1998 Irrevocable Living Trust, P. O. Box 58, Mechanicsville, PA 18934, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 26-foot long by 14-foot wide timber bridge with concrete abutments and wingwalls spanning an unnamed intermittent tributary to the Paunacussing Creek (HQ-CWF). This project is associated with lot 3 of the proposed Spring Oak Farm Subdivision. The road crossing will include the installation of utility crossings to be encased in conduits and entrenched under the stream channel at the bridge locations. This site is located 2,000 feet north of the intersection of Mechanicsville Road and Sheffield Drive (Buckingham, PA Quadrangle North: 22.2 inches; West: 7.4 inches).

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

E01-228. Mark Burkhead, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Straban Township, **Adams County**, ACOE Baltimore District.

To remove an existing bridge with a clear span of 6.5 meters and a 1.527 meters underclearance and to construct and maintain a single span reinforced concrete adjacent plank beam bridge with a span of 7.31 meters and a 1.527 meter underclearance across Beaverdam Creek (WWF) located on SR 0394 Section 002 (Biglerville, PA Quadrangle N: 1.4 inches; W: 5.2 inches) in Straban Township, Adams County.

E06-556. George Tindall, Amity Township, 2004 Weavertown Road, Douglassville, PA 19518 in Amity Township, **Berks County**, ACOE Philadelphia District.

To remove the twin culverts and to construct and maintain a twin 10-foot by 5-foot concrete box culverts at the channel of an unnamed tributary to Monocacy Creek on Monocacy Hill Road (Birdsboro, PA Quadrangle N: 5.9 inches; W: 2.4 inches) in Amity Township, Berks County.

E21-331. Jerry Spease, Hampden Township, 230 S. Sporting Hill Road, Mechanicsburg, PA 17050 in Hampden Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain 350 feet of boardwalk across a wetland area in the floodplain of an unnamed tributary to the Conodoguinet Creek (WWF) locally known as Beech Run located about 100 feet south of the Beech Run Road stream crossing (Harrisburg West, PA Quadrangle N: 2.3 inches; W: 11.6 inches) in Hampden Township, Cumberland County.

E28-294. Dennis LaBare, Falling Spring Greenway, Inc., 8903 Flagstone Circle Randallstown, MD 21133 in Guilford Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain several stream enhancement structures such as roller eddies, converging rock clusters and coarse wood debris (root wads) along the Falling Spring Branch (HQ-CWF) between Edwards Avenue and Quarry Road (Chambersburg, PA Quadrangle N: 8.1 inches; W: 0.39 inch) in Guilford Township, Franklin County.

E31-176. Daniel Varner, Huntingdon Borough, 531 Washington Street, Huntingdon, PA 16652 in Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a swimming pool and recreational facilities within the floodway fringe of Standing Stone Creek (HQ-CWF) at a point upstream of Penn Street (Huntingdon, PA Quadrangle N: 19.7 inches; W: 0.9 inch) in Huntingdon Borough, Huntingdon County.

E31-177. James Foose, Department of Natural Resources, Forestry Bureau 3, R. D. 1 Box 42-A, Blain, PA 17006 in Shirley Township, **Huntingdon County**, ACOE Baltimore District.

To (1) maintain an existing bridge having a span of 17.83 feet and an underclearance of 6.25 feet across the channel of West Licking Creek (HQ-CWF) at a point approximately 13,000 feet above its mouth; (2) replace the deck and maintain an existing bridge having a span of 19.5 feet and an underclearance of 5.83 feet across the channel of West Licking Creek (HQ-CWF) at a point approximately 12,000 feet above its mouth; (3) construct and maintain a bridge having a span of 22.5 feet and an underclearance of 5.33 feet across the channel of West Licking Creek (HQ-CWF) at a point approximately 11,200 feet upstream of its mouth; (4) construct and maintain a bridge having a span of 20.75 feet and an underclearance of 5.83 feet across the channel of West Licking Creek (HQ-CWF) at a point approximately 8,500 feet above its mouth; and (5) construct and maintain a bridge having a span of 10 feet and an underclearance of 1.17 feet across the channel of a tributary to West Licking Creek (HQ-CWF) at a point just upstream of its mouth (Aughwick, PA Quadrangle N: 19.5 inches; W: 6.4 inches; N: 19.1 inches; W: 6.7 inches; N: 18.8 inches; W: 7.0 inches; N: 18.0 inches; W: 8.1 inches; N: 18.5 inches; W: 9.3 inches respectively) in Shirley Township, Huntingdon County.

E31-178. Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA in Carbon Township, **Huntingdon County**, ACOE Baltimore District.

To remove existing structures and to construct and maintain a 14-foot by 6-foot concrete box culvert in the channel of Miller Run (WWF) at a point approximately 6,500 feet upstream of its mouth (Saxton, PA Quadrangle N: 18.9 inches; W: 7.2 inches) and to construct and maintain a 47-inch by 71-inch corrugated metal arch culvert in the channel of Kennedy Run (WWF) at a point approximately 100 feet upstream of its mouth (Saxton, PA

Quadrangle N: 19.9 inches; W: 5.6 inches) in Carbon Township, Huntingdon County.

E67-709. Steve Rogers, Texas Eastern Products Pipeline Company, 71-73 Denison Parkway, Corning, NY 14830 in Lower Allen and Fairview Townships, **Cumberland and York Counties**, ACOE Baltimore District.

To abandon an existing pipeline and to construct and maintain a 6-inch diameter pipe under the bed of the Yellow Breeches Creek (CWF) located about 1,000 feet northeast of the St. Johns Road crossing of the Yellow Breeches Creek (Lemoyne, PA Quadrangle N: 14.5 inches; W: 6.85 inches) in Lower Allen and Fairview Townships, Cumberland and York Counties.

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

E19-219. Gail Kipp, Columbia County Commissioners. Columbia County Courthouse, Box 380, Bloomsburg, PA 17815, in Scott Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 5.8 inches; W: 6.8 inches).

To remove the existing single span, multi steel I-beam bridge with an open grid steel deck and stone masonry abutments and concrete wingwalls with a clear span of 39 feet to 42 feet and a curb-to-curb width of 36 feet and an underclearance of 5.4 feet to 9.0 feet on a 90° skew; and to construct and maintain a prestressed reinforced concrete spread box beam bridge with a clear span of 43.5 feet, a normal span of 43.3 feet and a minimum underclearance at the inlet of 2.5 feet and a maximum underclearance across the inlet of 8.2 feet with a curb-to-curb width of 28 feet and an out-to-out width of 41.3 feet. The structure will be located in Appleman's Run on T-514 approximately 1 mile north of the intersection of T-514 with Route I-80. The project will not impact wetlands while impacting about 100 feet of waterway. Appleman's Run is a cold water fisheries stream.

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

E02-1357. Reelco Corporation, 109 Shenot Road, Wexford, PA 15090. Marshall Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in the floodway for a distance of approximately 620 feet along the right bank side of a tributary of Brush Creek (WWF) for the purpose of constructing 6 town house buildings for the proposed Northtowne Estates. The project is located on the west side of Shenot Road approximately 700 feet south of its intersection with Route 19 (Perry Highway) (Mars, PA Quadrangle N: 4.2 inches; W: 11.4 inches).

E02-1254. Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit E02-1254 which authorized the placement and maintenance of fill in the floodplain along the left bank side of the Monongahela River for a distance of approximately 3,150 feet and the removal of part of an existing brick arch storm sewer and the construction and maintenance of a 48 inch diameter pipe stormwater outfall to the Monongahela River, for the purpose of

developing a 115 acre site for proposed residential, retail, entertainment, office, research and development and flex distribution. The site is located on the northeast side of Carson Street between 25th Street and 34th Street, near river mile 3.5, in the City of Pittsburgh. This amendment authorizes the construction and maintenance of a 60 inch diameter pipe stormwater outfall to the Monongahela River (Pittsburgh East, PA Quadrangle N: 8.4 inches; W: 11.4 inches).

E26-289. Duke Energy Fayette, LLC, 5400 Westheimer Court, Houston, TX 77056-5310. German Township, **Fayette County**, ACOE Pittsburgh District.

To conduct dredging maintenance of 900 cubic yards in the Monongahela River (WWF) and to construct and maintain a wharf facility consisting of five sheet pile river cells in the Monongahela River (WWF) along 390 feet of the eastern river bank for the purpose of providing a secondary operation for supplying fuel to the Fayette Energy Facility. The project is located at approximately River Mile 77.5 (Masontown, PA Quadrangle N: 22.0 inches; W: 7.0 inches).

E65-788. Borough of Export, 6084 Kennedy Avenue, Export, PA 15632-1216. Export Borough, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structures and to construct and maintain a single span bridge having a normal span of 8.64 meters and an underclearance of 1.5 meters across Turtle Creek (TSF) on Kennedy Avenue, Station 10+094.56 and a single span bridge having a normal span of 8.35 meters and an underclearance of 1.4 meters across Turtle Creek on Kennedy Avenue, Station 10+356.3. The applicant also proposes extending an existing concrete box culvert having a single normal span of 2.94 meters and an underclearance of 1.06 meters, in kind 2.04 meters downstream in an unnamed tributary to Turtle Creek and the construction and maintenance of two temporary 910-mm corrugated metal pipe culverts in Turtle Creek during construction (Murrysville, PA Quadrangle (1) N: 7.9 inches; W: 0.45 inch and (2) N: 7.85 inches; W: 0.15 inch).

E65-790. Manor Borough, 47 Race Street, Manor, PA 15665. Manor Borough, **Westmoreland County**, ACOE Pittsburgh District.

To construct a single span pedestrian bridge having a normal span of 64.0 feet and an underclearance of 12.0 feet across Brush Creek (TSF) for the purpose of providing access to a playground. The proposed bridge is located 400 feet downstream from Race Street Bridge (Irwin, PA Quadrangle N: 14.8 inches; W: 5.9 inches).

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

E16-118. Paint Township, 22139 Route 66, Shippenville, PA 16254-8939. T-576/T-573 Bigley Road Across Toby Creek, in Paint and Highland Townships, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 20.0 inches; W: 1.35 inches).

To construct and maintain a prestressed concrete I-beam bridge having a clear Span of 30 meters and an underclearance of 5.2 meters on a 52 degree skew across Toby Creek (CWF) on T-576/T573 (Bigley Road) approximately 0.5 kilometer north of S.R. 1005.

ACTIONS

**FINAL ACTIONS TAKEN UNDER
THE PENNSYLVANIA CLEAN
STREAMS LAW AND THE FEDERAL
CLEAN WATER ACT—NPDES AND
WQM PART II PERMITS
INDUSTRIAL WASTE AND
SEWERAGE WASTEWATER**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

NPDES Permit No. PA0058360, Industrial Waste, **Main Street at Exton II, L.P.** 1250 Germantown Pike, Suite 305, Plymouth Meeting, PA 19462. This proposed facility is located in West Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Issuance of an NPDES permit to discharge to an unnamed tributary of Valley Creek-3H.

NPDES Permit No. PA0056898, Industrial Waste, **To-Jo Mushroom, Inc.**, 974 Penn Green Road, P. O. Box 285, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit to discharge into an unnamed tributary to Trout Run.

NPDES Permit No. PA0055794, Industrial Waste, **Schlosser Steel, Inc.**, 2641 Township Line Road, Hatfield, PA 19440. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit to discharge to an unnamed tributary to Skippack Creek.

NPDES Permit No. PA0056910, Sewage, **Hugh Sharp**, 5236 Valley Park Road, Doylestown, PA 18901. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal of NPDES permit to discharge into an UNT to North Branch of Neshaminy Creek-2F Neshaminy.

NPDES Permit No. PA0056618, Sewage, **David and Jeanette Cornwell**, 1117 Nobb Hill Drive West Chester, PA 19380. This proposed facility is located in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of NPDES permit to discharge into an UNT to Broad Run-Brandywine Watershed.

WQM Permit No. 0901404, Sewerage, **Hilltown Township Water and Sewer Authority**, P. O. Box 143, Hilltown, PA 18927. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant and pump station.

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

NPDES Permit No. PA-0034517, Industrial Waste, **Borough of East Stroudsburg Water Treatment Plant**, P. O. Box 303, 24 Analomink Street, East Stroudsburg, PA 18301. This proposed facility is located in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: to renew an existing Industrial Waste NPDES Permit.

NPDES Permit No. PA-0027006, Sewage, **Borough of Tamaqua**, 320 East Broad Street, Tamaqua, PA 18252. This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Action: NPDES Permit Renewal to discharge to the Little Schuylkill River.

NPDES Permit No. PA-0035335, Sewage, **Papillon Contracting, Inc., t/a Barton Court Mobile Home Park**, 816 North Ninth Street, Stroudsburg, PA 18360. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: to renewal of an existing NPDES permit to discharge 0.0117 MGD of treated sewage into an unnamed tributary of Pocono Creek in Pocono Township, Monroe County.

WQM Permit No. 4801401, Sewerage, **Allen Township**, 4717 Indian Trail Road, Northampton, PA 18067. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Construction of approximately 4,200 LF of fifteen-inch (15") PVC gravity sanitary sewer line.

WQM Permit No. 4801402, Sewerage, **Allen Township**, 4717 Indian Trail Road, Northampton, PA 18067. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Construction of approximately 3,400 LF of 8" PVC gravity sanitary sewer line.

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

NPDES Permit No. PA0081884, Sewage, **Cuttin' Company, LLC**, Biggerstaff Restaurant, P. O. Box 3038, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Beaverdam Creek in Watershed 7-F.

NPDES Permit No. PA0026484, Sewage, **Derry Township Municipal Authority**, Clearwater Road WWTP, 670 Clearwater Road, Hershey, PA 17033-2453. This proposed facility is located in Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0088749, Sewage, **Adams County Board of Commissioners**, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Beaverdam Creek in Watershed 7-F.

NPDES Permit No. PA0080471, Sewage, **James O. Dersham, Jr.**, 1909-3 State Road, Duncannon, PA 17020. This proposed facility is located in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT of Susquehanna River in Watershed 7-A

WQM Permit No. 0101405, Sewerage, **Adams County Board of Commissioners**, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities, Sewers and Appurtenances and three Pump Stations.

NPDES Permit No. PA0009229, Industrial Waste, **Norfolk Southern Railway Company**, 110 Franklin Road SE, Roanoke, VA 24042-0013. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-B.

NPDES Permit No. PA0088846, CAFO, **Hershey Ag, Aspen-Perry Farm**, 138 Airport Road, Box 68, Marietta, PA 17547-0068. This proposed facility is located in Oliver Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1725-AEU Swine CAFO.

NPDES Permit No. PA0088927, CAFO, **John W. Keating, Sr.**, 1620 Beans Cove Road, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 425-AEU Swine CAFO.

NPDES Permit No. PA0088803, CAFO, **Douglas Smith**, Frosty Hollow Farm, 591 Frosty Hollow Road, Roaring Spring, PA 16673. This proposed facility is located in Woodbury Township, **Bedford County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 794-AEU Dairy CAFO.

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

NPDES Permit No. PA0034258, Sewage, **Hopewell Area School District**, 2354 Broadhead Road, Aliquippa, PA 15001 is authorized to discharge from a facility located at Independence Elementary School STP, Independence Township, **Beaver County** to receiving waters named Raccoon Creek.

NPDES Permit No. PA0090247, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456 is authorized to discharge from a facility located at Lemont Furnace Sewage Treatment Plant, North Union Township, **Fayette County** to receiving waters named Cove Run.

NPDES Permit No. PA0094706, Sewage, **Economy Development Company, Inc.**, 1259 Freedom Crider Road, Freedom, PA 15042 is authorized to discharge from a facility located at Tri-County Soccer and Sports Center Sewage Treatment Plant, New Sewickley Township, **Beaver County** to receiving waters named unnamed tributary of North Fork Big Sewickley Creek.

NPDES Permit No. PA0204099, Sewage, **Paul P. Miller**, 108 Taben Drive, Jefferson Hills, PA 15025 is authorized to discharge from a facility located at Rustic Acres STP, Forward Township, **Allegheny County** to receiving waters named unnamed tributary of Gillespie Run.

Permit No. 0286439-A1, Sewerage, **Hampton Township Sanitary Authority**, 3101 McCully Road, Allison Park, PA 15101. Construction of Pump Station modifications located in Hampton Township, **Allegheny County** to serve Bruntonshire Pump Station.

Permit No. 6301409, Sewerage, **Michael Riedl**, 293 Cordial Drive, Bridgeville, PA 15017. Construction of a Single Residence Sewage Treatment Facility located in West Bethlehem Township, **Washington County** to serve the Riedl residence.

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

WQM Permit No. 4201404, Sewerage, **Ronald K. Southard**, 21202 Florek Road, Edinboro, PA 16412-5026. This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G420	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Chester	Upper Uwchland Township	UNT to March Creek (HQ, TSF, MF)
PAS10-G445	Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	Chester	East Nottingham Township	East and West Branches of Big Elk Creek (HQ)
PAS10-G480	Sacred Heart RC Church 203 Church Road Oxford, PA 19363	Chester	Lower Oxford Township	UNT to Leeck Run/Octoraro Creek and UNT to West Branch Big Elk Creek (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10P028	TELCO Developers 5 Maple Avenue Manheim, PA 17545	Lebanon	West Cornwall Township	Shearers Creek HQ-CWF
PAS10O083	Dr. Carl G. Troop 496 Solanco Road Quarryville, PA 17566	Lancaster	East Drumore Township	UNT to West Branch of the Octoraro Creek HQ

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103119	Pennsylvania Department of Transportation P. O. Box 429, Route 286 South Indiana, PA 15701	Indiana County East Wheatfield Township Cambria County Jackson Township	UNT Blacklick Creek/ CWF Findley Run/HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)

PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Concord Township Delaware County	PAR10 J226	Vintage Development Co. 63 Chestnut Street Paoli, PA 19301	West Branch Chester Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAR10 T782	Suburban Equities II 89 Allentown Road Souderton, PA 18964	UNT to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAR10 T780	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Crows Creek/Abrams Run (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Douglass Township Montgomery County	PAR10 T741	The Gambone Organization 1030 West Germantown Pk. Fairview Village, PA 19409	Tributary to Minister Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Taylor Borough	PAR10N126	Eugene Kane P. O. Box 931 Scranton, PA 18501	Keyser Creek CWF	Lackawanna County Conservation District (570) 281-9495
Schuylkill County Ryan Township	PAR105822	Magnolia Gardens Albert and Virginia Smith 762 State Rd. Barnesville, PA 18214	Tributary to Pine Creek CWF	Schuylkill County Conservation District (570) 622-3742
West Hanover Township Dauphin County	PAR10I261	TMM Associates Inc. 4701 N. Front Street Harrisburg, PA 17110	Two UNT Manada Creek UNT Beaver Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Middlesex Township Cumberland County	PAR10H273	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106- 7676	Letort Spring Run CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Antis Township Blair County	PAR100727	ABCD Corporation 4500 8th Avenue Altoona, PA 16602	Little Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
East Pennsboro Township Cumberland County	PAR10H274	Norfolk Southern Railway Company 175 Spring Street S.W. Atlanta, GA 30303	Susquehanna River WWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
West Hanover Township South Hanover Township Lower Paxton Township Dauphin County	PAR10I266	Harrisburg Soccer Club 6300 Jonestown Road Harrisburg, PA 17112	Two UNT Beaver Creek WWF Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Manchester Township York County	PAR10Y552	Garrod Hydraulics Inc. 3466 Board Road York, PA 17340	Little Conewago Creek	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR10Y554	South Western School District 225 Bowman Road Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Hanover Township Dauphin County	PAR10I277	Eastern Communities, LTD 7300 Derry Street Harrisburg, PA 17111	Four UNT to Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Centre County Burnside Township	PAR10F150	Mid East Oil Co. 255 Airport Rd. Indiana, PA 15701	Little Sandy Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-8696
Columbia County Hemlock, Mt. Pleasant Township and Town of Bloomsburg	PAR10I2150	Pennsylvania Depart- ment of Transportation P. O. Box 218 Montoursville, PA 17754	Hemlock Creek CWF Little Fishing Creek CWF Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Rd., Suite 105 Bloomsburg, PA 17815 (570) 784-1310
Snyder County Union and Chapman Townships	PAR10S923	Union Chapman Regional Authority R. R. 1, Box 598 Port Trevorton, PA 17864	Susquehanna River WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007 X112
Butler County Slippery Rock Borough	PAR10E151	Howard E. Meyer 110 Parklane Dr. Slippery Rock, PA 16057	Slippery Rock Creek (CWF)	Butler County Conservation District (724) 284-5270
Butler County Center Township	PAR10E167	Shady Lane Farms, Inc. 375 Stirling Village Butler, PA 16001	Little Connoquenessing Creek (CWF)	Butler County Conservation District (724) 284-5270

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Erie County City of Erie	PAR10K182	Dan Schaaf Building Systems, Inc. 7335 Old Perry Hwy. Erie, PA 16509	Mill Creek (WWF, MF)	Erie County Conservation District (814) 796-6760 Ext. 5
Erie County City of Erie	PAR10K184	National Organization of New Apostolic Church	Mill Creek (WWF, MF)	Erie County Conservation District (814) 796-6760 Ext. 5
Erie County Fairview Township	PAR10K185	Fairview Township 7471 McCray Road Fairview, PA 16415	Trout Run Lake Erie (CWF, MF)	Erie County Conservation District (814) 796-6760 Ext. 5
Mercer County West Middlesex Borough	PAR104370	West Middlesex School District 3591 Sharon Road West Middlesex, PA 16159	Shenango River Tributary (WWF)	Mercer County Conservation District (724) 662-2242
Butler County Seven Fields Borough	PAR10E170 (PAS10E038 Seven Fields)	Hanna Holdings Bayard Crossings 2200 Garden Drive Mars, PA 16046	UNT Kaufman Run/Bear Run (WWF)	Butler County Conservation District (724) 284-5270
Elk County Fox Township	PAR102525	Mike Keller P. O. Box 184 Kersey, PA 15846	Beaver Run (CWF)	Elk County Conservation District (814) 776-5373

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
City of Philadelphia Philadelphia County	PAR800041	BFI Waste System of North America 2904 S. Christopher Columbus Blvd. Philadelphia, PA 19148	Delaware River— 3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
City of Philadelphia Philadelphia County	PAR600026	Allegheny Iron & Metal Co. Philadelphia, PA 19124	Frankford Creek— 3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Hilltown Township Bucks County	PAR800066	Waste Management of Indian Valley 400 Progress Drive Telford, PA 18969	UNT to Mill Creek—2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Berks County Caernarvon Township	PAR803504	Morgan Corporation One Morgan Way Morgantown, PA 19543	Little Conestoga Creek/ WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAR143508	Intelligencer Printing Co., Inc. P. O. Box 1768 Lancaster, PA 17608	UNT Conestoga River/ WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Adams County Oxford Township	PAR203503	Trimen Industries Inc. P. O. Box 309 New Oxford, PA 17350	UNT to Pine Run— Chesapeake Bay/TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Bedford County Bedford Township	PAR203507	LB Foster Co. 415 Holiday Drive Pittsburgh, PA 15520	Raystown Branch- Juniata River/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Dauphin County Elizabethville Borough	PAR803519	Swab Wagon Company, Inc. P. O. Box O Elizabethville, PA 17023	Wiconisco Creek / WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR803526	Lancaster Truck Bodies 310 Richardson Drive P. O. Box 4626 Lancaster, PA 17603	Tributary to West Branch of Little Conestoga / TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Guilford Township	PAR233511	Lloyd R. Bricker Brickers Choice Fertil- izer, Inc. 5849 Front Street P. O. Box 174 Marion, PA 17235	Conococheague Creek/ WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Upper Mifflin Township	PAR603504	John F. Oiler Johnny's Auto Salvage 350 Brandy Run Road Newville, PA 17241	Brandy Run/CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR803533	Red Rose Transit Authority 45 Erick Road Lancaster, PA 17601	UNT Little Conestoga Creek/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4700
Berks County Muhlenberg Township	PAR123501	Giorgio Foods, Inc. P. O. Box 96 Blandon Rd. Temple, PA 19560	Laurel Run/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4700
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Bedford County West St. Clair Township	PAG043533	Jeffrey Crist Rodney Kegg 191 Deer Run Lane Alum Bank, PA 15521	Georges Creek	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
W. Bethlehem Township Washington County	PAG046230	Michael Riedl 293 Cordial Drive Bridgeville, PA 15017	Fisher Run Creek	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Jefferson Township Mercer County	PAG048758	Kevin J. and Lori A. Grace 94 Troutman Road Hermitage, PA 16148	Magargee Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Greene Township Erie	PAG048374	Donald F. Jr. and Sherry A. Trapp 9161 Kuhl Road Erie, PA 16510	Unnamed tributary to Fourmile Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Springdale Township Allegheny County	PAG106105	United Refining Company P. O. Box 780 15 Bradley Street Warren, PA 16365-0780	Allegheny River/Ohio River Basin in Pennsylvania	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County East Donegal Township	PAG123524	Kenton L. Sweigert 620 Greider Rd. Mount Joy, PA 17552	Donegal Creek/CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Cocalico Township	PAG123509	Meadowview Farms LLC 915 Galen Hall Road Reinholds, PA 17569	Little Cocalico Creek/ TSF	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 Issued	October 2, 2001

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

Operations Permit issued to: **Royal Oaks Mobile Home Park**, 3545 Apricot Drive, Walnutport, PA 18088, Moore Township, **Northampton County** on October 11, 2001.

Operations Permit issued to: **Belle Aire Acres**, 1184 Fernwood Drive, Lake Ariel, PA 18436, Jefferson Township, **Lackawanna County** on October 12, 2001.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, Jackson Township and Sugar Notch Borough, **Luzerne County** on October 18, 2001.

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

Permit No. 4496031—Amendment 10, Public Water Supply.

Applicant	Tulpehocken Spring Water Company R. R. 1, Box 114T Northumberland, PA 17857
Township	Point Township
County	Northumberland
Type of Facility	Bottled Water Facility—new storage silo and new 5-gallon label
Consulting Engineer	EarthRes Group, Inc. P. O. Box 468 Pipersville, PA 18947
Permit to Construct Issued	October 16, 2001

Permit No. Minor Amendment, Public Water Supply.

Applicant	Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901
Borough	Borough of Wellsboro
County	Tioga
Type of Facility	Public Water Supply—new intake structure, flow meter and related appurtenances for the Rock Run source
Consulting Engineer	William S. Bray, P.E. P. O. Box 535 Wellsboro, PA 16901
Permit to Construct Issued	October 18, 2001

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

Permit No. 6301503, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania-American Water Company 410 Cooke Lane Pittsburgh, PA 15234
[Borough or Township]	Union Township
County	Washington
Type of Facility	Surge control tank
Permit to Construct Issued	October 15, 2001

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final report:

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

Schneider National Terminal, Bedford Township, **Bedford County**, Environmental Products & Services, Inc., P. O. Box 501, Carnegie, PA 15106 (on behalf of Schneider National Terminal, 5906 Business Route 220, Bedford, PA 15522) has submitted a Final Report concerning remediation of site soils contaminated with PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard,

in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Grundy Powerhouse Site, Bristol Borough, **Bucks County**. Michael A. Christie, P.G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Redevelopment Authority of Bucks County, 1 N. Wilson Ave., Bristol, PA 19007, has submitted a Baseline Environmental Report as it applies to a Special Industrial Area site. The report was approved by the Department on September 28, 2001.

Main Street at Exton, West Whiteland Township, **Chester County**. J. Anthony Sauder, Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Wal-Mart Stores, Inc., Luda E. Broyles, III, Wolfson-Verrichia Group, Inc., Main St. at Exton, LP, Main St. at Exton II, LP, Main Street Trail, LP, Main St. Cinema, LP, Main St. Associates (WM), LP and Main St. Office II, LP, 1230 Germantown Pike, Suite 305, Plymouth Meeting, PA 19462, has submitted an amended Cleanup Plan concerning remediation of site soil contaminated with heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and solvents; and site groundwater contaminated with BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and solvents. The amended Cleanup Plan was approved September 12, 2001.

Charles Hallman Residence, Avondale Borough, **Chester County**. Hylton Hobday, Marshall Miller & Associates, 3913 Hartzdale Dr., Suite 1306, Camp Hill, PA, on behalf of Charles Hallman, 317 Pennsylvania Ave., Avondale, PA 19311, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report demon-

strated attainment of the Statewide Health Standard and was approved by the Department on September 20, 2001.

Former Fermtec Facility, West Chester Borough, **Chester County**. Richard P. Almquist, Jr., Oxford Engineers & Consultants, Inc., 2621 Van Buren Ave., Suite 500, Norristown, PA 19403, on behalf of Robert M. Casciato & Senya Simeon D. Isayeff Real Estate Partnership, 882 S. Matlack St., West Chester, PA 19382, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of Statewide Health and Background Standards and was approved by the Department on October 1, 2001.

Garvey and James Residence, Paoli Borough, **Chester County**. James P. Gallagher, P.G., Marshall Miller & Associates, 3913 Hartzdale Dr., Suite 1306, Camp Hill, PA 17011, on behalf of Margaret Garvey and Wilbur James, 28 Jacqueline Dr., Paoli, PA 19301, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 12, 2001.

Mauger & Company, Inc., East Whiteland Township, **Chester County**. Curt Herman, Austin James Associates, P. O. Box U, Pocono Pines, PA 18350, on behalf of Bud Mauger, P. O. Box 2426, West Chester, PA 19380, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 17, 2001.

Former Horsham Motor Lodge Site, Horsham Township, **Montgomery County**. Matthew S. Winters, Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19603, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19603, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report demonstrated attainment of the Statewide Health Standard for soil only and was approved by the Department on October 1, 2001.

ATOFINA Chemicals, Inc.—Research Center, Area 3—Boiler House, Former UST Area (Bldg. No. 8), Upper Merion Township, **Montgomery County**. Mark Piazza, ATOFINA Chemicals, Inc., 2000 Market St., 19th Floor, Philadelphia, PA 19103, on behalf of Lease Plan North America, Inc., LaSalle National Trust N. A., 135 S. LaSalle St., Chicago, IL 60603, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 2, 2001.

Sparango Construction Company, Whitmarsh Township, **Montgomery County**. Erik W. Stephens, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Sparango Construction Co., Inc., 506 Bethlehem Pike, Ft. Washington, PA 19034, has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with PCBs, lead, heavy metals, polycyclic aromatic hydrocarbons, solvents and pesticides. The report/cleanup plan was approved by the Department on October 3, 2001.

Rosemont Estates, Upper Providence Township, **Montgomery County**. Peter Malik, RT Environmental

Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Penn International Land Co., Inc., 900 E. 8th Ave., Suite 300, King of Prussia, PA 19406, has submitted a Site Characterization Report/ Cleanup Plan concerning remediation of site soil contaminated with arsenic. The report/cleanup plan was approved by the Department on October 5, 2001.

Drug Emporium Plaza, City of Philadelphia, **Philadelphia County**. David R. Kerschner, P.G., KU Resources, Inc., One Library Place, Duquesne, PA 15110, on behalf of Empor, L.P., c/o Phil Shelton, GE Capital Real Estate, 16479 Dallas Parkway, Addison TX 75001, has submitted a Remedial Investigation, Baseline Risk Assessment and Cleanup Plan concerning remediation of site soil contaminated with PCBs, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOC; and groundwater contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOC. The report was approved by the Department on September 25, 2001.

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

Boas School, City of Harrisburg, **Dauphin County**. Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110-1185 (on behalf of Boas Associates, P. O. Box 622, Lemoyne, PA 17043) submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The final report demonstrated attainment of a combination of the Statewide Health and Site Specific standards. The combined Remedial Investigation and Final Report was approved by the Department on October 16, 2001.

Former Nabisco Site, City of York, **York County**. EA Engineering, Science, Technology, Inc., 15 Loveton Circle, Sparks, MD 21152 (on behalf of Redevelopment Authority of the City of York, 14 West Market Street, York, PA 17401 and York County Economic Development Corporation, 144 Roosevelt Avenue, Suite 100, York, PA 17404) submitted a baseline environmental report concerning the remediation of site soils and groundwater contaminated with heavy metals, solvents, BTEX and PAHs. The report was approved by the Department on October 18, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit revoked 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. 602316. Newville WWTP, 99 Cover Avenue, Newville, PA 17241, West Pennsboro Township, **Cumberland County**. Permit revoked for the land application of sewage sludge on the Joseph S. Rook Farm. The permit was revoked by Southcentral Regional Office on October 22, 2001.

Persons interested in reviewing the general permit may contact Thomas Sweeney, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 101295. Tri-County Landfill, 156 TCI Drive, Grove City, PA 16127, located in Pine and Liberty Townships, **Mercer County**. A permit to reopen and expand the Tri-County Landfill. The permit was denied based on the environmental assessment review action by the Regional Office on October 11, 2001.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP4-21-03041: Ransome Lift Equipment Co. (1045 Columbus Street, Lemoyne, PA 17043) on October 18, 2001, was authorized to operate a burn off oven in Lemoyne Borough, **Cumberland County**.

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

GP 37-284: IA Construction—Wayne Township Quarry (Wurthenburg/Chewton Road, Ellwood City, PA 16117) on October 5, 2001, for operation of a portable nonmetallic mineral processing plant in Wayne Township, **Lawrence County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

00192: Pomco Graphic Arts (4411-27 Whitaker Avenue, Philadelphia, PA 19120) for installation of a sheet fed offset lithographic printing press in the City of Philadelphia, **Philadelphia County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0016E: Worthington Steel Co. (45 North Morehall Rd, Malvern, PA 19355) on October 11, 2001, for operation of a thermal oxidizer in East Whiteland Township, **Chester County**.

09-0008: TAVO Packaging, Inc. (2 Canal Road, Fairless Hills, PA 19030) on October 16, 2001, for operation of a flexographic printing press in Falls Township, **Bucks County**.

46-0142A: Fluid Energy Processing and Equipment Co. (4th and State Streets, East Greenville, PA 18041) on October 18, 2001, for operation of a 6" Jet-O-Drier Chemical Drying Sys in East Greenville Borough, **Montgomery County**.

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

36-05027A: R. R. Donnelley and Sons, Co. (216 Greenfield Road, Lancaster, PA 17601) on October 17, 2001, for construction of web offset lithographic presses with heatset dryers controlled by regenerative thermal oxidizers at its Lancaster East facility in the City of Lancaster, **Lancaster County**.

67-03104: Industrial Polishing and Grinding Inc. (50 North Harrison Street, York, PA 17403) on October 16, 2001, for construction of an open top vapor degreaser (Sonicor) controlled by a refrigerated freeboard chiller in the City of York, **York County**. This facility is subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning.

67-05092B: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) on October 16, 2001, for construction of a hot chaff collection system controlled by a cyclone at its York Roasting Plant in East Manchester Township, **York County**.

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

37-243B: Inmetco (245 Portersville Road, Ellwood City, PA 16117) on October 10, 2001, to modify the rotary hearth furnace in Ellwood City, **Lawrence County**.

25-069F: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) on October 15, 2001, for replacement of a dust collector for the bag loading station in Erie, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

01032: T.D.P. S. Materials (2nd Street and Erie Avenue, Philadelphia, PA 19120) on October 5, 2001, to modify the dryer burner in the hot mix asphalt drum to burn natural gas, propane, commercial fuel oils and recycled fuel oil in the City of Philadelphia, **Philadelphia County**.

01092: Atlantic Refining and Marketing Co. (1801 Market Street, 15/10 PC, Philadelphia, PA 19103) to operate an open bed biofilter system in the City of Philadelphia, **Philadelphia County**.

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.

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

14-310-019A: Con-Stone, Inc. (P. O. Box 28, Bellefonte, PA 16823) on October 11, 2001, to extend the authorization to operate various pieces of stone crushing, screening, conveying, etc. equipment and associated air cleaning device (a water spray dust suppression system) on a temporary basis, as well as the approval to construct a conveyer (land conveyer #1), until February 8, 2002, in

Haines Township, **Centre County**. Most of the respective equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

53-0003D: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on October 15, 2001, to authorize the construction of an 860 horsepower natural gas fired emergency generator instead of a 536 horsepower emergency generator which, although smaller, had higher associated air contaminant emission rates at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

47-303-003A: HRI, Inc. (1750 West College Avenue, State College, PA 16804-0155) on October 15, 2001, to extend the deadline for the performance of volatile organic compound stack testing on a drum mix asphalt plant while it is simultaneously burning reprocessed oil and processing recycled asphalt pavement to May 31, 2002, in Liberty Township, **Montour County**.

47-0001E: PPL Montour, LLC (c/o PPL Generation, LLC, 2 North Ninth Street, Allentown, PA 18101-1179) on October 12, 2001, to extend the deadline for the performance of particulate stack testing on a bituminous coal-fired electric utility boiler (Unit #1) and associated air cleaning devices (an electrostatic precipitator and a selective catalytic reduction system) to May 31, 2002, as well as to extend the authorization to operate the respective boiler on a temporary basis until February 9, 2002, at the Montour Steam Electric Station in Derry Township, **Montour County**.

60-310-007: Idding's Quarry, Inc. (900 Chestnut Street, Mifflinburg, PA 17844-1235) on October 17, 2001, to extend the authorization to operate a stone crushing and screening operation and associated air cleaning device (a water spray dust suppression system) on a temporary basis until February 14, 2002, in Limestone Township, **Union County**.

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

10-284A: Seneca Landfill, Inc. (Hartman Road, P. O. Box 847, Mars, PA 16046) on September 30, 2001, for a stone crushing operation and water spray bars in Jackson Township, **Butler County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03031: NGK Metals Corp. (P. O. Box 13367, Reading, PA 19612) on October 18, 2001, for operation of a beryllium alloy manufacturing facility in Muhlenberg Township, **Berks County**.

28-05020: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) on October 15, 2001, for operation of its Chambersburg plant in Chambersburg Borough, **Franklin County**.

67-03019: Pfaltzgraff Co. (P. O. Box 244, Bowman Road, Thomasville, PA 17364) on October 15, 2001, for operation of a ceramic dishware manufacturing facility in Jackson Township, **York County**.

67-05075: York Memorial Hospital (P. O. Box 15118, York, PA 17405) on October 17, 2001, for operation of its main hospital and surgical center in Spring Garden Township, **York County**.

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

37-00268: Commercial Asphalt Supply Inc.—Slippery Rock Plant (155 Rt. 228 West, Valencia, PA 16059) on October 17, 2001, for a Synthetic Minor Operating Permit in Scott Township, **Lawrence County**.

10-00298: ESM Group Inc., Saxonburg facility (955 Saxonburg Blvd., Saxonburg, PA 16056) on October 18, 2001, for a Natural Minor Operating Permit for production of magnesium-based powders in Saxonburg, **Butler County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

67-05009: STI Capital Co. (P. O. Box 85376, San Diego, CA 92186-5376) for operation of its York Cogeneration Plant in Springettsbury Township, **York County**. On October 18, 2001, the Title V Operating Permit was administratively amended to reflect a change in ownership from Solar Turbines, Inc. to STI Capital Company. This is Revision No. 1 of the operating permit.

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

17-302-018: Pennsylvania Department of Corrections—State Correctional Institution at Houtzdale (P. O. Box 1000, Houtzdale, PA 16698-1000) on October 10, 2001, to allow the use of boiler combustion chamber micronized limestone feed systems to supplement dry hydrated lime flue gas injection systems in providing sulfur oxides control for two micronized bituminous coal boilers in Woodward Township, **Clearfield 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.

40663029R3. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 521.0 acres, receiving stream—none. Application received: May 17, 2001. Renewal issued: October 18, 2001.

49871602R2. Lenig & Kosmer Coal Washery (R. R. 1 Box 251A, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 3.6 acres, receiving stream—none. Application received: May 25, 2001. Renewal issued: October 18, 2001.

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

63990103 and NPDES Permit No. Pa 0202614. David Breeden Enterprises, Inc. (P. O. Box 89, Tarentum, PA 15084-0089). Permit transfer issued for continued operation and reclamation of a bituminous surface mine formerly owned by Twilight Industries, located in Somerset Township, **Washington County**, affecting 287.1 acres. Receiving streams: unnamed tributaries to Center Branch of Pigeon Creek to the Center Branch of Pigeon Creek to Pigeon Creek. Application received: January 16, 2001. Permit transfer issued: October 2, 2001.

03930108 and NPDES Permit No. Pa 0200816. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728). Permit revised to add the Lower Kittanning coal seam at an existing bituminous surface/auger mining site located in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 281.7 acres. Receiving streams: unnamed tributaries to unnamed tributaries to South Branch Pine Creek and South Branch Pine Creek to South Fork Pine Creek. Application received: May 2, 2001. Revision issued: October 10, 2001.

26970101 and NPDES Permit No. Pa 0201839. Patterson Coal Company (20 Elizabeth Drive, Smithfield, PA 15478). Renewal permit for reclamation only of a bituminous surface mine located in German and Georges Townships, **Fayette County** affecting 32 acres.

Receiving streams: unnamed tributary to North Branch of Browns Run, to Browns Run, to Monongahela River. Renewal application received: August 8, 2001. Renewal permit issued: October 12, 2001.

63960101 and NPDES Permit No. Pa 0201588. Twilight Industries (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Renewal permit for reclamation only of a bituminous surface mine located in Somerset Township, **Washington County** affecting 155.5 acres. Receiving streams: unnamed tributaries to the North Branch of Pigeon Creek. Renewal application received: September 5, 2001. Renewal permit issued: October 12, 2001.

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

56840107, NSM Coals, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for reclamation only for continued restoration of a bituminous surface mine, in Stonycreek Township, **Somerset County**, affecting 407.4 acres. Receiving streams: unnamed tributary to Clear Run, Clear Run to Indian Lake classified for the following use: cold water fishery (CWF). There are no potable water supply intakes within 10 miles downstream. Application received: July 30, 2001. Permit issued: October 16, 2001.

11850110 and NPDES Permit No. PA0597431. E. P. Bender Coal Company, Inc., Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722. Permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine and for existing discharge of treated mine drainage in White Township, **Cambria County**, affecting 144.0 acres. Receiving streams: Dutch Run and its unnamed tributaries classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 16, 2001. Permit issued: October 19, 2001.

11960201 and NPDES Permit No. PA0234248. Smith Energy, Inc., 1075 Chestnut Street, Nanty Glo, PA 15943. Permit renewal for reclamation only for continued restoration of a bituminous coal refuse reprocessing mine and for existing discharge of treated mine drainage in Nanty Glo Borough, **Cambria County**, affecting 7.4 acres. Receiving stream: Pergrin Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream from the point of discharge. Application received: October 16, 2001. Permit Issued: October 19, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

63841302. NPDES Permit #PA0090689, Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in North Strabane Township, **Washington County** to add emergency borehole to degasify mine, Surface Acres Proposed 1.0, 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 use: n/a, The first downstream potable water supply intake from the point of discharge is n/a, Application received: October 18, 2001.

Noncoal Permits Actions

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

09870302C3. Delaware Valley Concrete Co., Inc. (248 East County Line Road, P. O. Box 457, Hatoboro, PA 19040), depth correction for an existing quarry operation in Tinicum Township, **Bucks County** affecting 114.5 acres, receiving stream—Delaware River. Application received: December 23, 1996. Correction issued: October 17, 2001.

58000847. Darwin R. Greene (R. R. 3, Box 219B, Susquehanna, PA 18847), Bluestone Small Noncoal Mining Permit in Jackson Township, **Susquehanna County**, affecting 1.0 acre. Receiving stream: South Branch Canawacta Creek. Application received: September 12, 2000. Permit issued: October 17, 2001.

01740401C3. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809), renewal of NPDES Permit #PA0613045 in Hamiltonban Township, **Adams County**, receiving stream—Muddy Run. Application received: August 30, 2001. Renewal issued: October 19, 2001.

6476SM12C2. N. L. Minich & Sons, Inc. (730 North College Street, Carlisle, PA 17013), renewal of NPDES Permit #PA0612464 in North Middleton Township, **Cumberland County**, receiving stream—Meeting House Run. Application received: August 29, 2001. Renewal issued: October 19, 2001.

50890301C3. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit #PA0594431 in Buffalo Township, **Perry County**, receiving stream—unnamed tributary to Susquehanna River. Application received: August 30, 2001. Renewal issued: October 19, 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.

45014010. Explosive Services, Inc. (R. R. 3, Box 749, Honesdale, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of November 26, 2002. Permit issued: October 17, 2001.

45014011. Explosive Services, Inc. (R. R. 3, Box 749, Honesdale, PA 18431), construction blasting in Stroud Township, **Monroe County** with an expiration date of November 12, 2001. Permit issued: October 17, 2001.

48014010. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Forks Township, **Northampton County** with an expiration date of May 22, 2002. Permit issued: October 17, 2001.

52014005. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Palmyra Township, **Pike County** with an expiration date of December 15, 2001. Permit issued: October 17, 2001.

52014006. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construc-

tion blasting in Milford Township, **Pike County** with an expiration date of November 22, 2001. Permit issued: October 17, 2001.

09014009. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting in Warrington Township, **Bucks County** with an expiration date of February 26, 2002. Permit issued: October 18, 2001.

46014022. Appaloosa Development Corp. (P. O. Box 126, 1501 Conshohocken St. Rd., Gladwyne, PA 19035) and contract blasting company Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Lower Merion Township, **Montgomery County** with an expiration date of December 30, 2001. Permit issued: October 18, 2001.

36014031. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manheim Township, **Lancaster County** with an expiration date of May 31, 2002. Permit issued: October 18, 2001.

36014037. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Clay Township, **Lancaster County** with an expiration date of November 30, 2006. Permit issued: October 18, 2001.

36014032. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Lititz Borough and Warwick Township, **Lancaster County** with an expiration date of May 30, 2002. Permit issued: October 18, 2001.

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

56014001. Trumbull Corporation, P. O. Box 98100, Pittsburgh, PA 15227-0100. Blasting activity permit issued for bridge demolition in Stonycreek Township, **Somerset County**. Specifically bridges B-424-MP 116.09 (T-529) and bridge 429-120.67 (T-711). Bridges span Pennsylvania Turnpike. Bridge B-424 will be blasted on October 21, 2001, at 2 a.m. and Bridge B-429 will be blasted on October 28, 2001, 2 a.m. Permit Issued: October 15, 2001.

07014002. D. C. Guelich Explosives, 456 Stouffer Hill Road, Friedens, PA 15541, house foundation and sewer line, located in Catherine Township, **Blair County** and expected duration is 30 days. Permit Issued: October 16, 2001.

56015001. D. C. Guelich Explosives, 456 Stouffer Hill Road, Friedens, PA 15541), construction blast for gas well site off of State Route 923, in Addison Township, **Somerset County**. Project will be done in one blast. Permit Issued: October 16, 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 (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-649. Matthew Thompson, 981 South Bolmar Street, West Chester, PA 19382-4505, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with construction of a single family dwelling in and along an unnamed tributary to Plum Run (WWF):

1. To install and maintain 77 linear feet of 29-inch by 42-inch elliptical CMP culvert and associated swale.
2. To place fill in 0.05 acre of wetland associated with the proposed activity. The amount of wetland impact is considered a de minimis impact and wetland mitigation is not required.

The site is located approximately 250 feet west of the intersection of General Sterling Road and Spare Cheney Drive (West Chester, PA USGS Quadrangle N: 8.5 inches; W: 16.25 inches).

E15-656. Jand Enterprises, Inc., 126 Aspen Drive, Downingtown, PA 19335, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain 55 linear feet of 48-inch CMP culvert in and along an unnamed tributary to Culbertson Run (HQ-TSF-MF) and impacting 0.06 acre if adjacent wetlands to serve as an access road for the proposed Hawks Nest Meadows Subdivision. The site is located approximately 750 feet southwest of the intersection of Highspine Road and Marshall Road. (Wagontown, PA Quadrangle N: 11 inches, W: 1.2 inches). The permittee is required to provide a minimum of 0.06 acre if replacement wetlands.

E46-860. Jones Brothers Contractors, Inc., 310 West 12th Street, Conshohocken, PA 19428, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 7,000 square-foot warehouse and associated parking area in and along the 100-year floodway of Plymouth Creek (WWF). The structure shall be supported on pilings to allow passage of flood flows and the first floor elevation will be above the anticipated 100-year flood elevation. This site is located approximately 1,800 feet north of the intersection of Elm Street and Colwell Lane (Norristown, PA USGS Quadrangle N: 14.4 inches; W: 8.5 inches). This also authorizes the permittee to install and maintain an 18-inch stormwater outfall structure, which shall be done in accordance with the conditions of BDWM—General Permit No. 4.

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

E45-412. Raintree Homes, Inc., HC 1, Box 1049, Tannersville, PA 18372. Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall channel and associated energy dissipator in the floodway of Bulgers Run. Issuance of this permit constitutes approval of the Environmental Assessment for the proposed modification of the existing principal spillway of a nonjurisdictional earthfill embankment dam at the project site. The project is associated with the proposed expansion of Pocono Haven Residential Subdivision located approximately 0.6 mile north of the intersection of S.R. 1001 and Cranberry Road (Mount Pocono, PA Quadrangle N: 8.2 inches; W: 4.2 inches).

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

E21-328. Mount Holly Springs Borough, 200 Harmon Street, Mount Holly Springs, PA 17065 in Mount Holly Springs Borough, **Cumberland County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a clear span of 60.0 feet and an underclearance of about 8.9 feet with R-4 size rock riprap at both abutments across Mountain Creek (TSF) located on Pine Street (Mount Holly Springs, PA Quadrangle N: 20.8 inches; W: 8.8 inches) in Mount Holly Springs Borough, Cumberland County.

E22-422. Colonial Ridge Incorporated, 4800 Linglestown Road, Suite 306, Harrisburg, PA 17112 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To provide authorization for filling 0.03 acre of palustrine emergent wetlands at Lot No. 21 of the Colonial Ridge Residential Development (Harrisburg East, PA Quadrangle N: 15.8 inches; W: 6.9 inches) in Lower Paxton Township, Dauphin County. The permittee is required to provide 0.06 acre of replacement wetlands.

E34-099. Earl Lear, R. R. 1 Box 38, East Waterford, PA 17021 in Lack Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 50 feet and an underclearance of 7 feet across the channel of Lick Run (CWF) and to place fill in a de minimis acre of wetlands less than 0.05 acre at a point approximately 2,500 feet upstream of SR 3020 for the purpose of providing access to an existing home in (Blairs Mills, PA Quadrangle N: 19.5 inches; W: 4.25 inches) in Lack Township, Juniata County.

E31-169. Stony Creek Holdings, 940 Log Cabin Road, Leola, PA 17540 in Shirley Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 36 feet and an underclearance of 9 feet across the channel of Blacklog Creek (HQ-CWF) at a point approximately 17,000 feet upstream of the Cromwell/Shirley Township boundary line (Aughwick, PA Quadrangle N: 12.75 inches; W: 5.38 inches) in Shirley Township, Huntingdon County.

E31-170. Oneida Township, P. O. Box 406, Huntingdon, PA 16652 in Oneida and Henderson Townships, **Huntingdon County**, ACOE Baltimore District.

To remove an existing structure and to construct and maintain a 19-foot, 10-inch by 7-foot, 8-inch aluminum box culvert arch in the channel of Murray Run (HQ-CWF) at a point at Wike Road (T-483) (Donation, PA Quadrangle N: 6.9 inches; W: 10.5 inches) in Oneida and Henderson Townships, Huntingdon County.

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

E14-405. Troy Dinges, 1385 Pine Creek Road, Coburn, PA 16832. Stream Crossing, in Haines Township, **Centre County**, ACOE Baltimore District (Coburn, PA Quadrangle N: 22.2 inches; W: 4.9 inches).

To construct, operate and maintain a 36-inch diameter metal corrugated culvert pipe crossing and associated rock fill in an unnamed tributary to Pine Creek. The culvert pipe shall be depressed under the existing stream bed a minimum of 6 inches, the work shall be completed during the streams low flow period and all stream bank disturbance shall be stabilized with indigenous vegetation within 72 hours of final earthmoving. This project is located 1 mile north on Inglybly Road from the intersection with Pine Creek Road. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-319. Pennsylvania Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. Rehabilitation of Timber Truss Covered Bridge, in Logan Township, **Clinton County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 1.0 inch; W: 1.5 inches).

To 1) construct and maintain temporary cofferdams; 2) remove the existing bridge deck, abutments and pier

bent; 3) construct and maintain two new stone faced concrete abutments, a steel girder/wood deck with a 49-foot 9-inch clear span and an 8.5-foot minimum underclearance; and 4) refurbish and maintain the siding/roof of the covered bridge across Fishing Creek located 0.4 mile south on T-346 from SR 880 (Millheim, PA Quadrangle N: 1.0 inch; W: 1.5 inches) in Logan Township, Clinton County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-361. Adelpia Communications Corporation, Main at Water Street, Coudersport, PA 16915. Adelpia Operations Building—Storm Water Outfall, in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 3.9 inches; W: 3.2 inches).

To remove an existing outfall and construct, operate and maintain an outfall structure in the Allegheny River to discharge stormwater from a commercial facility. The permanent outfall structure shall be constructed with 15-inch diameter high-density plastic pipe and a 15-inch wall mounted flap gate. The project is located along the northern right-of-way of SR 0006 approximately 700-feet north of SR 0006 and SR 3017 intersection (Coudersport, PA Quadrangle N: 3.9 inches; W: 3.2 inches) in Coudersport Borough, Potter County. A regularly scheduled inspection of the outfall and flap gate shall be conducted for continued operation and maintenance for the lifetime of the facility. The regularly schedule inspection shall be after every full flood channel flow or at a minimum annually. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-363. Coudersport Borough, 201 South West Street, Coudersport, PA 16915. 36" Stormwater Outfall, in Coudersport Borough, **Bradford County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 3.8 inches; W: 3.4 inches).

To construct and maintain a 36-inch diameter stormwater outfall pipe to the Allegheny River approximately 140-feet west of the intersection of Cherry and Bank Streets. The project will not impact wetlands while impacting approximately 5-feet of waterway. The Allegheny River is a Cold Water fisheries stream.

E53-364. Genesee Township, P. O. Box 1, Genesee, PA 16923. Water Obstruction and Encroachment Permit application, in Genesee Township, **Potter County**, ACOE Susquehanna River Basin District (Ulysses, PA Quadrangle N: 21.23 inches; W: 16.93 inches).

To operate and maintain a 335 foot flood control project consisting of 310-feet of bin type retaining wall and 25-feet of rock riprap protection all of which is located along the left bank of the Genesee River north of the SR 0244 bridge in the village of Genesee, Potter County.

E53-365. Borough of Coudersport, 201 South West Street, Coudersport, PA 16915. Water Obstruction and Encroachment Permit application, in Coudersport Borough, **Potter County**, ACOE Susquehanna River Basin District (Coudersport, PA Quadrangle N: 3.03 inches; W: 2.26 inches).

To operate and maintain a flood control project consisting of 1,440 feet of concrete trapezoidal channel including a spillway entrance structure and debris basin, 1,900 feet of earthen levee along the right bank upstream of the aforementioned debris basin each located along Mill Creek, as well as an improved earthen channel, 800 feet of earthen levee, 5,600 feet of rectangular and trapezoidal

concrete channel, terminating in a stilling basin, 3,900 feet of earth channel realignment and improvement, all of which are located along the Allegheny River in the borough of Coudersport, Potter County.

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

E02-1348. Jack Bindyke, P. O. Box 264, 111 Sea Breeze Road, Bunola, PA 15020. Forward Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain an existing boat docking facility along the right bank of the Monongahela River (WWF) near Mile Point 26.5. Note: this site is part of an existing marina that was permitted under E02-735 (Monongahela, PA Quadrangle N: 20.9 inches; W: 8.9 inches).

E65-782. Cook Township, R. D. 1, Box 230, Stahlstown, PA 15687. Cook Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 1.0-foot depressed 77-inch x 52-inch corrugated metal pipe culvert in an unnamed tributary to Keffer Run (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on Stom Road (Stahlstown, PA Quadrangle N: 13.29 inches; W: 7.75 inches).

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

E10-332. Regional Industrial Development Corporation, RIDC Suite 500, 425 Sixth Avenue, Pittsburgh, PA 15219. Thorn Hill Industrial Park, in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To conduct the following activities associated with development of Thorn Hill Industrial Park in Cranberry Township, Butler County:

1. Remove an existing culvert and service road across a tributary to Brush Creek (WWF).
2. Construct and maintain a 140-foot long concrete box stream enclosure having a 14-foot wide by 8-foot high waterway opening in a tributary to Brush Creek (WWF) approximately 1400 feet south of Freedom Road for the extension of Thorn Hill Road to Freedom Road.
3. Fill a total of 1.09 acres of wetland (PEM/PSS/PFO) associated with the extension of Thorn Hill Road to Freedom Road and lot development.

Project includes construction of 1.10 acres of replacement wetland east of Commonwealth Drive south of Freedom Road.

E62-379. National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501. Line D-M1 Across Allegheny River and Ott Run, in City of Warren and Mead Township, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 14.1 inches; W: 0.3 inch).

To install and maintain an 8-inch diameter natural gas pipeline across Ott Run (CWF) and the Allegheny River approximately 2,500 feet west of the Glade Bridge carrying S.R. 6 across the Allegheny River.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D51-001EA. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P. O. Box

8476, Harrisburg, PA 17105-8476. Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

The project proposes to construct a fish passage facility at Flat Rock Dam located across the Schuylkill River (WWF, MF) to further efforts in restoring migratory fishes to their historical range in the watershed. A reinforced concrete structure with approximate dimensions of 190 feet long by 30 feet wide, is proposed on the right bank (western shoreline) of the Schuylkill River immediately adjacent to the existing dam abutment. The structure incorporates a series of twenty 10 foot by 10 foot resting bays interconnected by vertical baffles. Flow through the structure will be regulated with auxiliary piping and power operated gates. Two 10 foot wide channels will be excavated in the tail-water area immediately downstream of the dam to facilitate the movement of migrating fish from the left bank (eastern shoreline) area of the river to the location of the passageway on the right bank (western shoreline). A channel, varying in width from 12 to 20 feet, will also be excavated for a distance 180 feet downstream of the fish passage entrance to facilitate fish migration (Germantown, PA Quadrangle N: 7.15 inches W: 17.25 inches).

[Pa.B. Doc. No. 01-1967. Filed for public inspection November 2, 2001, 9:00 a.m.]

Air Quality Technical Advisory Committee; Change of Meeting Date and Location

The Air Quality Technical Advisory Committee (AQTAC) meeting that was scheduled for November 15, 2001, has been rescheduled for November 20, 2001. The November 20, 2001, meeting will be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA (717) 780-2678 and will begin at 8:30 a.m.

The contact for the meeting is Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310, e-mail tblack@state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact J. Wick Havens at (717) 787-4310 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-1968. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Sal P. Calabro, M.D. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Sal P. Calabro, M.D. has requested an exception to 28 Pa. Code § 571.1 (relating to minimum standards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1969. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Canonsburg General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Canonsburg General Hospital has requested an exception to 28 Pa. Code §§ 51.3 and 51.23 (relating to notification; and positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1970. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Delaware Valley Ortho and Spine Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Delaware Valley Ortho and Spine Center has requested an exception to 28 Pa. Code §§ 571.1 and 571.2 (relating to minimum standards; and relating to modifications of HHS requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1971. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Geisinger Medical Center has requested an exception to 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division

of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1972. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Healthsouth Rehab Hospital of Altoona for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Healthsouth Rehab Hospital of Altoona has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: Section 7.2.A4 (relating to handwashing stations in patient rooms).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1973. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Healthsouth Rehab Hospital of Mechanicsburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Healthsouth Rehab Hospital of Mechanicsburg has requested an exception to 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare

Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1974. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of Lancaster Neuroscience & Spine Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster Neuroscience & Spine Center has requested an exception to 28 Pa. Code §§ 569.31 and 571.1 (relating to emergency power; and relating to minimum standards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1975. Filed for public inspection November 2, 2001, 9:00 a.m.]

Application of UPMC Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department)

hereby gives notice that UPMC Shadyside has requested an exception to 28 Pa. Code § 51.3(g)(4) (relating to notification).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 01-1976. Filed for public inspection November 2, 2001, 9:00 a.m.]

Infection Control Risk Assessment

Under the Health Care Facilities Act (35 P. S. §§ 448.101 et. seq.) and the hospital and ambulatory surgical facility regulations, the Department of Health (Department) published a "notice to adopt" the 2001 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities" (Guidelines) at 31 Pa.B. 2636 (May 19, 2001). This notice stated that the 2001 edition of the Guidelines would become mandatory on November 24, 2001, and that plans for new construction or renovations could be submitted for review and approval utilizing either the 2001 edition or the 1996-97 edition until November 23, 2001.

The Department is publishing this notice to alert health care providers, architects and organizations of a new requirement contained in Chapter 5 of the 2001 edition of the Guidelines, which calls for an Infection Control Risk Assessment (ICRA) to be prepared for construction projects by the owner of the facility, with assistance from the design professionals. The ICRA is used by the Department to determine the potential risks of transmission and infection of various agents caused by the new construction. The ICRA is to be initiated in design and planning phases of construction projects, continuing through the actual construction and renovation of the health care construction project, to minimize conditions that may be hazardous to patients located in nearby areas.

The Department is making the ICRA documents mandatory for plan submissions it receives after November 23, 2001, to coincide with the mandatory usage of the new 2001 edition of the Guidelines.

The ICRA shall be prepared by the health care provider and submitted separately in triplicate sets on standard 8 1/2" by 11" paper, with the triplicate sets of construction

plans that are submitted to the Division of Safety Inspection for approval of each project. The ICRA will be forwarded by the Division of Safety Inspection to the surveyors in the Division of Acute and Ambulatory Care who conduct the patient care onsite surveys of hospital and ambulatory surgical facilities, for their review, information and comment.

Persons interested in purchasing a copy of the 2001 edition of the Guidelines may telephone the American Institute of Architects (AIA) Bookstore (small orders) at (202) 626-7541 or (800) 242-3837, or the AIA Fulfillment House (large orders) at (800) 365-2724 to place an order or request a catalog.

Questions should be directed to Peter P. Petresky, Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact the following: 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. 01-1977. Filed for public inspection November 2, 2001, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Meadow View Nursing Center
1404 Hay Street
Berlin, PA 15530

Villa St. Joseph of Baden, Inc.
1030 State Street
Baden, PA 15005

Morrison's Cove Home
429 South Market Street
Martinsburg, PA 16662

Laurel Crest Rehabilitation and
Special Care Center
429 Manor Drive
Ebensburg, PA 15931

These requests are 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,
Secretary

[Pa.B. Doc. No. 01-1978. Filed for public inspection November 2, 2001, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.9(a) (relating to corridors):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(b) (relating to kitchen):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

Saint Mary's at Asbury Ridge
4855 West Ridge Road
Erie, PA 16506

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(e) (relating to electric requirements for existing and new construction):

Dauphin Manor
1205 South 28th Street
Harrisburg, PA 17111-1098

These requests are 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. 01-1979. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Notice is hereby given that under 67 Pa. Code § 495.4(d), an application to lease highway right-of-way has been submitted to the Department by (West Shore Eye and Ear Center), of (1857 Center Street, Camp Hill PA)

Seeking to lease highway right-of-way located at (1857 Center Street, East Pennsboro Twp., Cumberland County, Camp Hill, PA.

7,200 square meters/hectares +/- adjacent to L. R. 21015 Section(s) 2A for the purpose of parking only.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Barry G. Hoffman, P.E., District Engineer, Engineering District 8-0., 2140 Herr Street, Harrisburg PA 17103-1699.

Questions regarding this application or the proposed use may be directed to: George B. Achenbach II, Right-of-Way Representative, 2140 Herr Street, Harrisburg PA 17103-1699, (717) 772-5119.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-1980. Filed for public inspection November 2, 2001, 9:00 a.m.]

FISH AND BOAT COMMISSION

Time Restrictions

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), has closed the Commission's property at Charming Forge on Tulpehocken Creek, Berks County, to the public during the hours of 10 p.m. to 5 a.m. These time restrictions are effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or a designee.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 01-1981. Filed for public inspection November 2, 2001, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, November 7, 2001, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m., Mandated Benefits Review Committee Meeting—3 p.m.; Thursday, November 8, 2001, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who require accommodation due to a disability and wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 01-1982. Filed for public inspection November 2, 2001, 9:00 a.m.]

HOUSING FINANCE AGENCY

Homeowner's Emergency Mortgage Assistance Program; Updated List of Consumer Credit Counseling Agencies

Under section 401-c(d) of the Housing Finance Agency Law (35 P.S. § 1680.401c(d)), the Housing Finance Agency (Agency) is to designate and approve nonprofit consumer credit counseling agencies in each county to be available to assist the Agency to implement the Homeowner's Emergency Mortgage Assistance Program.

The Agency last officially published an updated list of approved consumer credit counseling agencies at 29 Pa.B. 2859 (June 5, 1999).

The Agency now publishes the following newly updated official list which is effective upon publication in the *Pennsylvania Bulletin* and can be used by lenders immediately upon publication. The new list must be used by lenders beginning January 1, 2002. Prior to January 1, 2002, either the previously published list or the newly updated list can be used.

Between now and the next official update, lenders and consumers are advised to check the Agency's website at www.phfa.org. The counseling agency list is unofficially updated on an ongoing basis.

WILLIAM C. BOSTIC,
Executive Director

Appendix C

Housing Finance Agency Homeowners' Emergency Mortgage Assistance Program Consumer Credit Counseling Agencies by County Revised October 2001

Adams

Adams County Housing Authority 139-143 Carlisle St. Gettysburg, PA 17325 (717) 334-1518	American Red Cross—Hanover Chapter 529 Carlisle Street Hanover, PA 17331 (717) 637-3768	CCCS of Western PA 2000 Linglestown Road Harrisburg, PA 17102 (717) 541-1757
Financial Counseling Services of Franklin 43 Philadelphia Avenue Waynesboro, PA 17268 (717) 762-3285		

Allegheny

Action Housing, Inc 425 6th Avenue Suite 950 Pittsburgh, PA 15219 (412) 391-1956 or (412) 281-2102 or (800) 792-2801	CCCS of Western PA, Inc. River Park Commons 2403 Sidney Street, Suite 400 Pittsburgh, PA 15203 (412) 390-1300	Community Action Southwest 22 West High Street Waynesburg, PA 15370 (724) 852-2893
Credit Counselors of PA 401 Wood Street Suite 906 Pittsburgh, PA 15222 (412) 338-9956	Housing Opportunities Inc. 133 Seventh Street P. O. Box 9 McKeesport, PA 15134 (412) 664-1906	Mon-Valley Unemployed Committee 120 E. 9th Avenue Homestead, PA 15120 (412) 462-9962
Pennsylvania Housing Finance Agency 2275 Swallow Hill Road Bldg. 200 Pittsburgh, PA 15220 (412) 429-2842	Urban League Of Pittsburgh Bldg. for Equal Opportunity One Smithfield St. Pittsburgh, PA 15222 (412) 227-4802	

Armstrong

Armstrong Co. Community Action Agency Armsdale Administration Bldg. RD 8, Box 287 Kittanning, PA 16201 (724) 548-3405	CCCS of Western PA, Inc. 217 E. Plank Road Altoona, PA 16602 (814) 944-8100 or (814) 944-5747	Credit Counselors of PA 401 Wood Street Suite 906 Pittsburgh, PA 15222 (412) 338-9956
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Indiana Co. Community Action
Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

Beaver

Action Housing, Inc
425 6th Avenue
Suite 950
Pittsburgh, PA 15219
(412) 391-1956 or (412) 281-2102
or (800) 792-2801

CCCS of Western PA, Inc.
971 Third Street
Beaver, PA 15009
(724) 774-0798

Credit Counselors of PA
401 Wood Street
Suite 906
Pittsburgh, PA 15222
(412) 338-9956

Housing Opportunities Inc.
133 Seventh Street
P. O. Box 9
McKeesport, PA 15134
(412) 664-1906

Housing Opportunities
of Beaver County
650 Corporation St.
Suite 207
Beaver, PA 15009
(724) 728-7511

Mon-Valley Unemployed Committee
120 E. 9th Avenue
Homestead, PA 15120
(412) 462-9962

Bedford

Bedford-Fulton Housing Services
10241 Lincoln Highway
Everett, PA 15537
(814) 623-9129

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Keystone Economic
Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556

Tableland Services Inc.
535 East Main Street
Somerset, PA 15501
(814) 445-9628 or (800) 452-0148

Weatherization Office
917 Mifflin Street
Huntingdon, PA 16652
(814) 643-2343

Berks

Budget Counseling Center
247 North Fifth Street
Reading, PA 19601
(610) 375-7866

CCCS of Lehigh Valley
3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

Community Housing Counselor, Inc.
P. O. Box 244
Kennett Square, PA 19348
(610) 444-3682

Schuylkill Community Action
225 N. Centre Street
Pottsville, PA 17901
(570) 622-1995

Blair

Bedford-Fulton Housing Services
10241 Lincoln Highway
Everett, PA 15537
(814) 623-9129

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Keystone Economic
Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556

Weatherization Office
917 Mifflin Street
Huntingdon, PA 16652
(814) 643-2343

Bradford

CCCS of Northeastern PA
1400 Abington Executive Park
Suite 1
Clarks Summit, PA 18411
(570) 587-9163 or (800) 922-9537

CCCS of Northeastern PA
411 Main Street
Suite 102 E
Stroudsburg, PA 18360
(570) 420-8980 or (800) 922-9537

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

The Trehab Center of Northeastern PA
420 Main St
Suite 2
Towanda, PA 18848
(570) 265-6415

Bucks

Acorn Housing Corporation
846 North Broad Street
Philadelphia, PA 19130
(215) 765-1221

American Credit Counseling Institute
144 E. Dekalb Pike
King of Prussia, PA 19406
(610) 971-2210

American Credit Counseling Institute
530 West Street Rd
Suite 201
Warminster, PA 18974
(215) 444-9429

American Credit Counseling Institute
845 Coates St.
Coatesville, PA 19320
(888) 212-6741

American Financial
Counseling Services, Inc.
175 Strafford Avenue, Suite One
Wayne, PA 19087
(610) 975-4414

Bucks County Housing Group, Inc
2324 Second Street Pike
Suite 17
Wrightstown, PA 18940
(215) 598-3566

CCCS of Delaware Valley
Trevose Corporate Center
4606 Street Road
Trevose, PA 19047
(215) 563-5665

CCCS of Delaware Valley
1515 Market Street
Suite 1325
Philadelphia, PA 19107
(215) 563-5665

CCCS of Lehigh Valley
3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

Community Action Southwest
22 West High Street
Waynesburg, PA 15370
(724) 852-2893

Germantown Settlement
218 W. Cheltenham Avenue
Philadelphia, PA 19144
(215) 849-3104

HACE
167 W. Allegheny Ave.
2nd Fl.
Philadelphia, PA 19140
(215) 426-8025

Northwest Counseling Service
5001 North Broad Street
Philadelphia, PA 19141
(215) 324-7500

Urban League
136 West Girard Ave
Philadelphia, PA
(215) 731-4100

Butler

Action Housing, Inc
425 6th Avenue
Suite 950
Pittsburgh, PA 15219
(412) 391-1956 or (412) 281-2102
or (800) 792-2801

CCCS of Western PA
1138 N. Main St. Extension
Butler, PA 16001
(724) 282-7812

Credit Counselors of PA
401 Wood Street
Suite 906
Pittsburgh, PA 15222
(412) 338-9956

Housing Opportunities Inc.
133 Seventh Street
P. O. Box 9
McKeesport, PA 15134
(412) 664-1906

Mon-Valley Unemployed Committee
120 E. 9th Avenue
Homestead, PA 15120
(412) 462-9962

Cambria

Bedford-Fulton Housing Services
10241 Lincoln Highway
Everett, PA 15537
(814) 623-9129

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
(814) 539-6335

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Indiana Co. Community Action
Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

Keystone Economic Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556

Tableland Services Inc.
535 East Main Street
Somerset, PA 15501
(814) 445-9628 or (800) 452-0148

Cameron

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

CCCS of Western PA
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100

Northern Tier Community
Action Corp.
P. O. Box 389
135 West 4th Street
Emporium, PA 15834
(814) 486-1161

Carbon

CCCS of Lehigh Valley
3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

CCCS of Northeastern PA
411 Main Street
Suite 102 E
Stroudsburg, PA 18360
(570) 420-8980 or (800) 922-9537

CCCS of Northeastern PA
1400 Abington Executive Park
Suite 1
Clarks Summit, PA 18411
(570) 587-9163 or (800) 922-9537

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

Commission on Economic
Opportunity of Luzerne County
163 Amber Lane
Wilkes-Barre, PA 18702
(570) 826-0510 or (800) 822-0359

Schuylkill Community Action
225 N. Centre Street
Pottsville, PA 17901
(570) 622-1995

Centre

CCCS of Northeastern PA
201 Basin Street
Suite 6
Williamsport, PA 17701
(570) 323-6627

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Lycoming-Clinton Counties Commission
for Community Action
2138 Lincoln Street
P. O. Box 3568
Williamsport, PA 17703
(570) 326-0587

Chester

Acorn Housing Corporation
846 North Broad Street
Philadelphia, PA 19130
(215) 765-1221

American Credit Counseling Institute
144 E. Dekalb Pike
King of Prussia, PA 19406
(610) 971-2210

American Credit Counseling Institute
530 West Street Rd
Suite 201
Warminster, PA 18974
(215) 444-9429

American Credit Counseling Institute
845 Coates St.
Coatesville, PA 19320
(888) 212-6741

American Financial
Counseling Services, Inc.
175 Strafford Avenue, Suite One
Wayne, PA 19087
(610) 975-4414

American Red Cross of Chester
1729 Edgemont Avenue
Chester, PA 19013
(610) 874-1484

Budget Counseling Center
247 North Fifth Street
Reading, PA 19601
(610) 375-7866

CCCS of Delaware Valley
790 E. Market St.
Suite 215
West Chester, PA 19382
(215) 563-5665

Community Action Southwest
22 West High Street
Waynesburg, PA 15370
(724) 852-2893

Community Housing Counselor, Inc.
P. O. Box 244
Kennett Square, PA 19348
(610) 444-3682

Germantown Settlement
218 W. Cheltenham Avenue
Philadelphia, PA 19144
(215) 849-3104

HACE
167 W. Allegheny Ave.
2nd Fl.
Philadelphia, PA 19140
(215) 426-8025

Philadelphia Council for
Community Advmnt
100 North 17th Street
Suite 600
Philadelphia, PA 19103
(215) 567-7803

CCCS of Western PA
1138 N. Main St. Extension
Butler, PA 16001
(724) 282-7812

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

Indiana Co. Community Action
Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

CCCS of Northeastern PA
208 W. Hamilton Ave,
Suite 1, Hamilton Square
State College, PA 16801
(814) 238-3668

CCCS of Northeastern PA
1400 Abington Executive Park
Suite 1
Clarks Summit, PA 18411
(570) 587-9163 or (800) 922-9537

Booker T. Washington Center
1720 Holland Street
Erie, PA 16503
(814) 453-5744

JFK Center, Inc.
2021 East 20th Street
Erie, PA 16510
(814) 898-0400

Media Fellowship House
302 S. Jackson Street
Media, PA 19063
(610) 565-0846

Tabor Community Services, Inc.
439 E. King Street
P. O. Box 1676
Lancaster, PA 17608
(717) 397-5182
or (800) 788-5062 (H.O. only)

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
(814) 539-6335

Keystone Economic Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556

CCCS of Northeastern PA
201 Basin Street
Suite 6
Williamsport, PA 17701
(570) 323-6627

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

Center for Family Services, Inc.
213 Center Street
Meadville, PA 16335
(814) 337-8450

Shenango Valley Urban League, Inc.
601 Indiana Avenue
Farrell, PA 16121
(724) 981-5310

Northwest Counseling Service
5001 North Broad Street
Philadelphia, PA 19141
(215) 324-7500

Urban League
136 West Girard Ave
Philadelphia, PA
(215) 731-4100

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Lycoming-Clinton Counties
Commission for Community Action
2138 Lincoln Street
P. O. Box 3568
Williamsport, PA 17703
(570) 326-0587

Community Housing Counselor, Inc.
P. O. Box 244
Kennett Square, PA 19348
(610) 444-3682

Greater Erie Community
Action Committee
18 West 9th Street
Erie, PA 16501
(814) 459-4581

St. Martin Center
1701 Parade Street
Erie, PA 16503
(814) 452-6113

Clarion

Clearfield

Clinton

Columbia

Crawford

Cumberland

Adams County Housing Authority
139-143 Carlisle St.
Gettysburg, PA 17325
(717) 334-1518

CCCS of Western PA
2000 Linglestown Road
Harrisburg, PA 17102
(717) 541-1757

Community Action Commission
of Capital Region
1514 Derry Street
Harrisburg, PA 17104
(717) 232-9757

Financial Counseling
Services of Franklin
43 Philadelphia Avenue
Waynesboro, PA 17268
(717) 762-3285

Loveship, Inc.
2320 North 5th Street
Harrisburg, PA 17110
(717) 232-2207

PHFA
2101 North Front Street
P. O. Box 15530
Harrisburg, PA 17105
(717) 780-3940

Urban League of Metropolitan Hbg
2107 N. 6th Street
Harrisburg, PA 17101
(717) 234-5925

Dauphin

CCCS of Western PA
2000 Linglestown Road
Harrisburg, PA 17102
(717) 541-1757

Community Action Commission
of Capital Region
1514 Derry Street
Harrisburg, PA 17104
(717) 232-9757

Loveship, Inc.
2320 North 5th Street
Harrisburg, PA 17110
(717) 232-2207

PHFA
2101 North Front Street
P. O. Box 15530
Harrisburg, PA 17105
(717) 780-3940

Urban League of Metropolitan Hbg
2107 N. 6th Street
Harrisburg, PA 17101
(717) 234-5925

Delaware

Acorn Housing Corporation
846 North Broad Street
Philadelphia, PA 19130
(215) 765-1221

American Credit Counseling Institute
175 Strafford Ave
Suite 1
Wayne, PA 19087
(610) 971-2210

American Credit Counseling Institute
144 E. Dekalb Pike
King of Prussia, PA 19406
(610) 971-2210

American Financial
Counseling Services, Inc.
175 Strafford Avenue, Suite One
Wayne, PA 19087
(610) 975-4414

American Financial
Counseling Services, Inc.
1 Abington Plaza, Suite 403
Old York Road and Township Line
Jenkintown, PA 19046
(215) 887-0555

American Red Cross of Chester
1729 Edgemont Avenue
Chester, PA 19013
(610) 874-1484

CCCS of Delaware Valley
280 North Providence Road
Media, PA 19063
(215) 563-5665

CCCS of Delaware Valley
1515 Market Street
Suite 1325
Philadelphia, PA 19107
(215) 563-5665

Community Action Southwest
22 West High Street
Waynesburg, PA 15370
(724) 852-2893

Community Housing Counselor, Inc.
P. O. Box 244
Kennett Square, PA 19348
(610) 444-3682

Germantown Settlement
218 W. Cheltenham Avenue
Philadelphia, PA 19144
(215) 849-3104

HACE
167 W. Allegheny Ave.
2nd Fl.
Philadelphia, PA 19140
(215) 426-8025

Media Fellowship House
302 S. Jackson Street
Media, PA 19063
(610) 565-0846

Northwest Counseling Service
5001 North Broad Street
Philadelphia, PA 19141
(215) 324-7500

Philadelphia Council for
Community Advancement
100 North 17th Street
Suite 600
Philadelphia, PA 19103
(215) 567-7803

Urban League
136 West Girard Ave
Philadelphia, PA
(215) 731-4100

Elk

JFK Center, Inc.
2021 East 20th Street
Erie, PA 16510
(814) 898-0400

Northern Tier Community Action
Corp.
P. O. Box 389
135 West 4th Street
Emporium, PA 15834
(814) 486-1161

Erie

Booker T. Washington Center
1720 Holland Street
Erie, PA 16503
(814) 453-5744

Greater Erie Community
Action Committee
18 West 9th Street
Erie, PA 16501
(814) 459-4581

JFK Center, Inc.
2021 East 20th Street
Erie, PA 16510
(814) 898-0400

St. Martin Center
1701 Parade Street
Erie, PA 16503
(814) 452-6113

Fayette

Action Housing, Inc
425 6th Avenue
Suite 950
Pittsburgh, PA 15219
(412) 391-1956 or (412) 281-2102
or (800) 792-2801

CCCS of Western PA, Inc.
1 North Gate Square
#2 Garden Center Drive
Greensburg, PA 15601
(724) 838-1290

Community Action Southwest
22 West High Street
Waynesburg, PA 15370
(724) 852-2893

Fayette Co. Community
Action Agency, Inc.
137 North Beeson Avenue
Uniontown, PA 15401
(724) 437-6050 or (800) 427-INFO

Mon-Valley Unemployed Committee
120 E. 9th Avenue
Homestead, PA 15120
(412) 462-9962

Tableland Services Inc.
535 East Main Street
Somerset, PA 15501
(814) 445-9628 or (800) 452-0148

Forest

Warren-Forest Counties Economic
Opportunity
1209 Pennsylvania Ave, West
P. O. Box 547
Warren, PA 16365
(814) 726-2400

Franklin

Adams County Housing Authority
139-143 Carlisle St.
Gettysburg, PA 17325
(717) 334-1518

American Red Cross—Hanover
Chapter
529 Carlisle Street
Hanover, PA 17331
(717) 637-3768

CCCS of Western PA
2000 Linglestown Road
Harrisburg, PA 17102
(717) 541-1757

CCCS of Western PA, Inc.
Colonial Shopping Center
970 S. George St
York, PA 17403
(717) 846-4176

Community Action Commission
of Capital Region
1514 Derry Street
Harrisburg, PA 17104
(717) 232-9757

Financial Counseling
Services of Franklin
43 Philadelphia Avenue
Waynesboro, PA 17268
(717) 762-3285

Urban League of Metropolitan
Harrisburg
2107 N. 6th Street
Harrisburg, PA 17101
(717) 234-5925

Fulton

Bedford-Fulton Housing Services
10241 Lincoln Highway
Everett, PA 15537
(814) 623-9129

CCCS of Western PA, Inc.
Colonial Shopping Center
970 S. George St
York, PA 17403
(717) 846-4176

Financial Counseling
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43 Philadelphia Avenue
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Weatherization Office
917 Mifflin Street
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(814) 643-2343

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Community Action Southwest
22 West High Street
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Homestead, PA 15120
(412) 462-9962

Huntingdon

Bedford-Fulton Housing Services
10241 Lincoln Highway
Everett, PA 15537
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CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Weatherization Office
917 Mifflin Street
Huntingdon, PA 16652
(814) 643-2343

Indiana

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
(814) 539-6335

CCCS of Western PA, Inc.
1 North Gate Square
#2 Garden Center Drive
Greensburg, PA 15601
(724) 838-1290

Indiana Co. Community
Action Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

Keystone Economic Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556

Jefferson

CCCS of Western PA
1138 N. Main St. Extension
Butler, PA 16001
(724) 282-7812

Indiana Co. Community Action
Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

JFK Center, Inc.
2021 East 20th Street
Erie, PA 16510
(814) 898-0400

Juniata

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100 or (814) 944-5747

Weatherization Office
917 Mifflin Street
Huntingdon, PA 16652
(814) 643-2343

Lackawanna

CCCS of Northeastern PA
1400 Abington Executive Park
Suite 1
Clarks Summit, PA 18411
(570) 587-9163 or (800) 922-9537

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

Lancaster

CCCS of Lehigh Valley
3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

CCCS of Western PA, Inc.
Colonial Shopping Center
970 S. George St
York, PA 17403
(717) 846-4176

Community Housing Counselor, Inc.
P. O. Box 244
Kennett Square, PA 19348
(610) 444-3682

Tabor Community Services, Inc.
439 E. King Street
P. O. Box 1676
Lancaster, PA 17608
(717) 397-5182 or (800) 788-5062 (H.O.
only)

Lawrence

CCCS of Western Pennsylvania
312 Chestnut Street
Suite 227
Meadville, PA 16335
(814) 333-8570

Housing Opportunities of Beaver
County
650 Corporation St.
Suite 207
Beaver, PA 15009
(724) 728-7511

Shenango Valley Urban League, Inc.
601 Indiana Avenue
Farrell, PA 16121
(724) 981-5310

Lebanon

Schuylkill Community Action
225 N. Centre Street
Pottsville, PA 17901
(570) 622-1995

Tabor Community Services, Inc.
439 E. King Street
P. O. Box 1676
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3671 Crescent Court East
Whitehall, PA 18052
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Schuylkill Community Action
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Pottsville, PA 17901
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Luzerne

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1400 Abington Executive Park
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(570) 587-9163 or (800) 922-9537

Commission on Economic Opportunity
of Luzerne County
163 Amber Lane
Wilkes-Barre, PA 18702
(570) 826-0510 or (800) 822-0359

Schuylkill Community Action
225 N. Centre Street
Pottsville, PA 17901
(570) 622-1995

Lycoming

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CCCS of Northeastern PA
201 Basin Street
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(570) 323-6627

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2138 Lincoln Street
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McKean

JFK Center, Inc.
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P. O. Box 389
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Emporium, PA 15834
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Mercer

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Farrell, PA 16121
(724) 981-5310

Mifflin

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208 W. Hamilton Ave,
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State College, PA 16801
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Altoona, PA 16602
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Huntingdon, PA 16652
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411 Main Street
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Stroudsburg, PA 18360
(570) 420-8980 or (800) 922-9537

CCCS of Northeastern PA
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(610) 971-2210

American Credit Counseling Institute
530 West Street Rd
Suite 201
Warminster, PA 18974
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Coatesville, PA 19320
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Jenkintown, PA 19046
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CCCS of Delaware Valley
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113 E Main St
Norristown, PA 19401
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Philadelphia, PA 19144
(215) 849-3104

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Media, PA 19063
(610) 565-0846

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Philadelphia, PA 19141
(215) 324-7500

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100 North 17th Street
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Northampton

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3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

Northumberland

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1400 Abington Executive Park
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(570) 587-9163 or (800) 922-9537

CCCS of Northeastern PA
201 Basin Street
Suite 6
Williamsport, PA 17701
(570) 323-6627

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

Schuylkill Community Action
225 N. Centre Street
Pottsville, PA 17901
(570) 622-1995

Perry

CCCS of Western PA
2000 Linglestown Road
Harrisburg, PA 17102
(717) 541-1757

Community Action Commission
of Capital Region
1514 Derry Street
Harrisburg, PA 17104
(717) 232-9757

Financial Counseling Services
of Franklin
43 Philadelphia Avenue
Waynesboro, PA 17268
(717) 762-3285

Loveship, Inc.
2320 North 5th Street
Harrisburg, PA 17110
(717) 232-2207

PHFA
2101 North Front Street
P. O. Box 15530
Harrisburg, PA 17105
(717) 780-3940

Urban League of
Metropolitan Harrisburg
2107 N. 6th Street
Harrisburg, PA 17101
(717) 234-5925

Weatherization Office
917 Mifflin Street
Huntingdon, PA 16652
(814) 643-2343

Philadelphia

Acorn Housing Corporation
846 North Broad Street
Philadelphia, PA 19130
(215) 765-1221

American Credit Counseling Institute
845 Coates St.
Coatesville, PA 19320
(888) 212-6741

American Credit Counseling Institute
530 West Street Rd
Suite 201
Warminster, PA 18974
(215) 444-9429

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144 E. Dekalb Pike
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Counseling Services, Inc.
175 Strafford Avenue, Suite One
Wayne, PA 19087
(610) 975-4414

CCCS of Delaware Valley
1515 Market Street
Suite 1325
Philadelphia, PA 19107
(215) 563-5665

CCCS of Delaware Valley
One Cherry Hill
Suite 215
Cherry Hill, PA 08002
(215) 563-5665

Community Development Corp. of
Frankford Group Ministry
4620 Griscom Street
Philadelphia, PA 19124
(215) 744-2990

Germantown Settlement
218 W. Chelton Avenue
Philadelphia, PA 19144
(215) 849-3104

HACE
167 W. Allegheny Ave.
2nd Fl.
Philadelphia, PA 19140
(215) 426-8025

Housing Association of
Delaware Valley
1500 Walnut Street
Suite 601
Philadelphia, PA 19102
(215) 545-6010

Housing Association of Delaware Valley
658 North Watts Street
Philadelphia, PA 19123
(215) 978-0224

Media Fellowship House
302 S. Jackson Street
Media, PA 19063
(610) 565-0846

Northwest Counseling Service
5001 North Broad Street
Philadelphia, PA 19141
(215) 324-7500

Philadelphia Council for
Community Advancement
100 North 17th Street
Suite 600
Philadelphia, PA 19103
(215) 567-7803

Urban League
136 West Girard Ave
Philadelphia, PA
(215) 731-4100

Pike

CCCS of Northeastern PA
1400 Abington Executive Park
Suite 1
Clarks Summit, PA 18411
(570) 587-9163 or (800) 922-9537

CCCS of Northeastern PA
411 Main Street
Suite 102 E
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(570) 420-8980 or (800) 922-9537

CCCS of Northeastern PA
Genetti Towers
77 E Market St, 7th floor
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537

Potter

Northern Tier Community Action Corp.
P. O. Box 389
135 West 4th Street
Emporium, PA 15834
(814) 486-1161

Schuylkill

Budget Counseling Center
247 North Fifth Street
Reading, PA 19601
(610) 375-7866

CCCS of Lehigh Valley
3671 Crescent Court East
Whitehall, PA 18052
(610) 821-4011 or (800) 220-2733

Commission on Economic
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163 Amber Lane
Wilkes-Barre, PA 18702
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225 N. Centre Street
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Snyder

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1514 Derry Street
Harrisburg, PA 17104
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Urban League of
Metropolitan Harrisburg
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Harrisburg, PA 17101
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Somerset

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Keystone Economic
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Dushore, PA 18614
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Susquehanna

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10 Public Ave
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Montrose, PA 18801
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Wellsboro, PA 16901
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Venango

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(814) 898-0400

St. Martin Center
1701 Parade Street
Erie, PA 16503
(814) 452-6113

Warren

Booker T. Washington Center
1720 Holland Street
Erie, PA 16503
(814) 453-5744

Greater Erie Community
Action Committee
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Washington

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(724) 838-1290

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53 N. College Street
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(724) 222-8292

Community Action Southwest
315 E Hallam Avenue
Washington, PA 15317
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Community Action Southwest
22 West High Street
Waynesburg, PA 15370
(724) 852-2893

Credit Counselors of PA
401 Wood Street
Suite 906
Pittsburgh, PA 15222
(412) 338-9956

Housing Opportunities Inc.
133 Seventh Street
P. O. Box 9
McKeesport, PA 15134
(412) 664-1906

Mon-Valley Unemployed Committee
120 E. 9th Avenue
Homestead, PA 15120
(412) 462-9962

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(717) 541-1757

[Pa.B. Doc. No. 01-1983. Filed for public inspection November 2, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 18, 2001, and took the following actions:

Regulations Deemed Approved under § 5(g) of the Regulatory Review Act—Effective October 12, 2001

Environmental Quality Board #7-363: Fees (amends Pa. Code 25 Chapter 218)

Regulations Approved:

Department of Public Welfare #14-468: General Principles for Rate and Price Setting (amends 55 Pa. Code Chapter 1187)

Department of Public Welfare #14-470: Disproportionate Share Incentive Program (amends 55 Pa. Code Chapter 1187)

Department of Public Welfare #14-453: Outpatient Drug and Alcohol Clinic Services (amends 55 Pa. Code §§ 1223.2, 1223.14 and 1223.41)

Environmental Quality Board #7-356: Administration of Land Recycling Program (amends 25 Pa. Code Chapter 250)

Environmental Quality Board #7-360: Radiological Health (amends 25 Pa. Code Chapters 221, 227 and 228)

Environmental Quality Board #7-355: Storage Tank Program (amends 25 Pa. Code Chapter 245)

Underground Storage Tank Indemnification Board: #11-179: Underground Storage Tank Indemnification Fund (amends 25 Pa. Code Chapter 977)

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
October 18, 2001

Department of Public Welfare; General Principles for Rate and Price Setting; Regulation No. 14-468

On September 4, 2001, the Independent Regulatory Review Commission (Commission) received this regula-

tion from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code, Chapter 1187. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation extends the timeframe for transition payments to county nursing facilities for the period January 1, 1999, through June 30, 2003. The transition payments were negotiated between the Department and the County Commissioners Association of Pennsylvania in the Intergovernmental Transfer Agreement.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. § 201(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
October 18, 2001

Department of Public Welfare; Disproportionate Share Incentive Payments; Regulation No. 14-470

On September 4, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code, Chapter 1187. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation authorizes an increase to the disproportionate share incentive payments for nursing facilities for fiscal year 1999-2000, through fiscal year 2002-2003. This incentive will be used to encourage nursing facilities to admit individuals eligible for Medical Assistance (MA) and to give additional revenue to nursing facilities that serve a greater number of MA residents. The amendments are in response to the Intergovernmental Transfer Agreement between the Department and the County Commissioners Association of Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. § 201(2)) and the intention of the General Assembly.

Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
October 18, 2001

Department of Public Welfare; Outpatient Drug and Alcohol Clinic Services; Regulation No. 14-453

On September 18, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare. This rulemaking amends 55 Pa. Code §§ 1223.2, 1223.14 and 1223.41. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation codifies a Notice of Rule Change (NORC) that was originally published on March 7, 1998. The regulation updates the Medical Assistance participation requirements policy for drug and alcohol clinics to maintain consistency with the licensing provisions of the Department of Health. It also deletes out-of-date references.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P.S. § 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
October 18, 2001

Environmental Quality Board; Administration of Land Recycling Program; Regulation No. 7-356

On July 11, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 250. The proposed regulation was published in the August 5, 2000 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2001.

This final-form rulemaking updates existing land recycling regulations and is based on the 1998-99 land recycling program evaluation performed by the Department of Environmental Protection. These regulations incorporate current scientific information and policy clarifications to implement the Statewide health standard and attainment provisions. The rulemaking applies to con-

taminated sites in the Commonwealth, and affects owners, operators and purchasers of those sites, as well as those who remediate them.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 6018.105(a), 6026.104(a), 6026.301(c) and 6026.303(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
October 18, 2001

Environmental Quality Board; Radiological Health; Regulation No. 7-360

On January 29, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 221, 227 and 228. The proposed regulation was published in the February 10, 2001 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2001.

This final-form rulemaking extends X-ray protection requirements to X-ray calibration facilities. The regulation also corrects errors from previous rulemakings, clarifies existing wording and makes modifications to accommodate changes in equipment since the last amendments in 1998.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 7110.301 and 7110.302) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, recused

Public Meeting held
October 18, 2001

Environmental Quality Board; Storage Tank Program; Regulation No. 7-355

On July 11, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 245. The proposed regulation was published in the July 29, 2000, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2001.

This rulemaking updates Chapter 245 by adding, modifying and deleting several definitions. Consistent with the requirements in Act 2 of 1995, the rulemaking changes the corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P.S. § 6021.106) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commissioner:

This regulation is approved.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson, by Phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, recused

Public Meeting held
October 18, 2001

Underground Storage Tank Indemnification Board; Underground Storage Tank Indemnification Fund; Regulation No. 11-179

On December 12, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Underground Storage Tank Indemnification Board (Board). This rulemaking amends 25 Pa. Code Chapter 977. The proposed regulation was published in the December 23, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 27, 2001.

The Board is deleting 25 Pa. Code, Chapters 971, 973 and 975 and replacing them with a consolidated regulation to improve administration of the Storage Tank and Spill Prevention Act. The Board is adding new sections on claims procedures, fees for certified companies and dispute resolution procedures.

We have determined this regulation is consistent with the statutory authority of the Underground Storage Tank Indemnification Board (35 P.S. § 6021.301) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commissioner:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-1984. Filed for public inspection November 2, 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. To obtain a copy of the

regulation, contact the promulgating agency.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-346	Environmental Quality Board Solvent Cleaning Operations	10/19/01
19-5	Department of Corrections Administration and State Correctional Institutions and Facilities	10/22/01

JOHN R. MCGINELY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-1985. Filed for public inspection November 2, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of R. C. Chase Insurance Agency under Act 143; Shelby/Vesta Insurance Companies; Doc. No. AT01-10-026

A prereview telephone conference initiated by this office is scheduled for November 29, 2001, at 1:30 p.m. Each party shall provide the Hearings Administrator, a telephone number to be used for the telephone conference on or before November 8, 2001. A review shall occur on December 20, 2001, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. At the prereview conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Pending the review in this matter, parties shall exchange proposed exhibits, the names of witnesses, provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. On or before November 15, 2001, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

No prereview memoranda or other written submissions are required for the prereview conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 6, 2001, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 13, 2001.

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. 01-1986. Filed for public inspection November 2, 2001, 9:00 a.m.]

Brandon Buckley; Hearing

Appeal of Brandon Buckley Under the Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; File No. F86-0658 Doc. No. CF01-10-009

The proceeding 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 28, 2001. Each party shall provide the Administrative Hearings Office, Hearings Administrator a telephone number to be used for the telephone conference on or before November 13, 2001. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. At the prehearing conference/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. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. On or before November 13, 2001, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other 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 for photo-

graphs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 14, 2001, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 21, 2001.

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. 01-1987. Filed for public inspection November 2, 2001, 9:00 a.m.]

Capital Blue Cross; Demographic Rating for Community-Rated Groups for Basic Blue Cross and Prescription Drug Card Programs; Filing No. 01-Z

Capital Blue Cross (CBC) submits Filing No. 01-Z for review and approval to demographically rate the small group market, which is being expanded to include groups of size 2-99. For each group, CBC intends to use age-gender, contract size and industry factors to adjust community-pool base rates for Basic Blue Cross and Prescription Drug offerings. Demographic rating will be applied in a revenue-neutral manner, that is, the premium for the total pool under demographic rating will be the same as the total pool premium if demographic rating were not implemented. Based on September 2001, enrollment figures, approximately 58,700 Basic Blue Cross members and 24,400 Prescription Drug Card members will be affected. An effective date of April 1, 2002, has been requested.

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 Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1988. Filed for public inspection November 2, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Revisions to Hospital Facility Agreement-Traditional Products; Filing No. 200151

On October 19, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted revisions to Hospital Facility Agreement-Traditional Products to amend the previously submitted Hospital Facility Agreement under Filing No. 200110. In this and the previous filing submitted under

section 9 of the Accident and Health Filing Reform Act (40 P.S. §§ 3801—3815), Highmark seeks approval of Hospital Facility Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Service Plan Corporation under the trade name Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1989. Filed for public inspection November 2, 2001, 9:00 a.m.]

New Domestic Insurance Company Application

Faithful Companion Inc. has applied for a Certificate of Authority to operate as a domestic stock fire insurance company in this Commonwealth. The initial filing was received on October 16, 2001, and was made under the 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 to the issuance of a Certificate of Authority to the applicant are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, 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. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1990. Filed for public inspection November 2, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Louise Y. Lowman; file no. 01-182-06541; Pennsylvania General Insurance Company; doc. no. P01-10-025; November 27, 2001, at 1 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. 01-1991. Filed for public inspection November 2, 2001, 9:00 a.m.]

Arnold Bruce Sapp; Order to Show Cause; Doc. No. SC01-09-020

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 the 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 30, 2001, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 9, 2001. A date for the hearing shall be determined, if necessary, at the prehearing telephone 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.

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. Except as established at the prehearing telephone conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before November 16, 2001, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before November 26, 2001.

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. 01-1992. Filed for public inspection November 2, 2001, 9:00 a.m.]

Jac G. Tomasello; Doc. No. AG01-10-018

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 December 4, 2001, at 10 a.m. Each party shall provide the Administrative Hearings Office and the Hearings Administrator a telephone number to be used for the telephone conference on or before November 28, 2001. A hearing shall occur on December 19, 2001, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

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 November 20, 2001, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness

designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing, if necessary, prepared to offer all relevant testimony or other 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 money copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 7, 2001, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before December 14, 2001.

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. 01-1993. Filed for public inspection November 2, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5122, 8 Penn Center Plaza, 1628 J.F. Kennedy Boulevard, Philadelphia, PA 19103-2125.

Lease Expiration Date: June 30, 2003

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,500 net useable square feet of new or existing retail commercial space within 1/4 mile radius of the intersection of 17th Street and J.F. Kennedy Boulevard, Philadelphia.

Proposals due: November 30, 2001, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9673

Berks County, Wine & Spirits Shoppe #0605, Village Square Plaza, 45 Constitution Boulevard, Kutztown, PA 19530-1737.

Lease Expiration Date: March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,854 net useable square feet of new or existing retail commercial space within the Borough of Kutztown.

Proposals due: November 30, 2001, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110

Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-1994. Filed for public inspection November 2, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 26, 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-00118360. Robert M. Romig (1 Old Rt. 522, Selinsgrove, Snyder County, PA 17870)—persons in paratransit service, between points in the counties of Centre, Montour, Snyder and Union, and from points in said counties, to points in Pennsylvania and return.

Application of the following for approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for *cancellation* of the certificate of public convenience as described under the application.

A-00116151-F. 1-Am-A. Catherine E. Hanchett, t/d/b/a Momma Bears' Taxi (54 Dry Run Road, Coudersport, Potter County, PA 16915)—discontinuance of service and cancellation of the certificate—persons upon call or demand in the county of Potter and the borough of Port Allegheny, McKean County.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Angela M. Lutgen, t/a Lefty's; Doc. No. A-00112093C01

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Angela M. Lutgen, t/a Lefty's, respondent, maintains a principal place of business at 9496 East Main Road, Ripley, NY 14775.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00112093.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Angela M. Lutgen, t/a Lefty's at Docket No. A-00112093, for failure to maintain evidence of current insurance on file with the Commission.

Respectfully submitted,
 Michael E. Hoffman, Acting Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
 Michael E. Hoffman

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

DIPLOMAT LIMOUSINE SERVICE INC
7423 N 2TH STREET
PHILADELPHIA, PA 19138

In re: A-00104714C0101
A-00104714

Dear Respondent:

On September 21, 2001, the Bureau of Transportation and Safety instituted a complaint against Diplomat Limousine Service, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00104714.

The complaint and notice were published in the September 29, 2001 issue of the *Pennsylvania Bulletin*; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00104714C0101 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00104714 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

James J. McNulty
Secretary

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1995. Filed for public inspection November 2, 2001, 9:00 a.m.]

Telecommunications

A-310957F7004. ALLTEL Pennsylvania, Inc. and KMC Telecom V, Inc. Joint Petition of ALLTEL Pennsylvania, Inc. and KMC Telecom V, Inc. for approval of an

interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

ALLTEL Pennsylvania, Inc. and KMC Telecom V, Inc. filed on October 17, 2001, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Pennsylvania, Inc. and KMC Telecom V, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY
Secretary

[Pa.B. Doc. No. 01-1996. Filed for public inspection November 2, 2001, 9:00 a.m.]

Telecommunications

A-310513F7006. Denver and Ephrata Telephone and Telegraph Company d/b/a D&E Telephone Company and Sprint Spectrum L.P. d/b/a Sprint PCS. Joint petition of Denver and Ephrata Telephone and Telegraph Company d/b/a D&E Telephone Company and Sprint Spectrum L.P. d/b/a Sprint PCS for approval of a rider to Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Denver and Ephrata Telephone and Telegraph Company d/b/a D&E Telephone Company and Sprint Spectrum L.P. d/b/a Sprint PCS filed on October 17, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Denver and Ephrata Telephone and Telegraph Company d/b/a D&E Telephone Company and Sprint Spectrum L.P. d/b/a Sprint PCS Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1997. Filed for public inspection November 2, 2001, 9:00 a.m.]

Telecommunications

A-310403F7002. United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. Joint Petition of United Telephone Com-

pany of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. for approval of a Replacement Master Interconnection and Resale Agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. filed on October 22, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Replacement Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1998. Filed for public inspection November 2, 2001, 9:00 a.m.]

Telecommunications

A-311144F7002. United Telephone Company of Pennsylvania d/b/a Sprint and VoiceStream Wireless Corporation. Joint Petition of United Telephone Company of Pennsylvania d/b/a Sprint and VoiceStream Wireless Corporation for approval of an opt-in commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and VoiceStream Wireless Corporation filed on October 22, 2001, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and VoiceStream Wireless Corporation Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1999. Filed for public inspection November 2, 2001, 9:00 a.m.]

Telecommunications

A-310820F7000. Verizon Pennsylvania Inc. and SniP LiNK, LLC. Joint Petition of Verizon Pennsylvania

Inc. and SniP LiNK, LLC, for approval of adoption of a replacement interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and SniP LiNK, LLC filed on October 18, 2001, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and SniP LiNK, LLC Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2000. Filed for public inspection November 2, 2001, 9:00 a.m.]

Water Service Without Hearing

A-210106 and A-210010 F2000. Aaronrod Company, Inc. and Winola Water Company. Application of Aaronrod Company, Inc. and Winola Water Company for approval of: 1) the transfer, by sale, of certain property rights of Aaronrod Company, Inc.; to Winola Water Company, Inc.; 2) the right of Winola Water Company to offer, render, furnish or supply water service to the public in a portion of Overfield Township, Wyoming County; and 3) the right of Aaronrod Company, Inc. to cancel its certificate of public convenience.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before November 19, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Aaronrod Company, Inc. and Winola Water Company.

Through and By Counsel: Nicholas E. Fick, Esquire, Radisson Lackawanna Station Hotel, Suite 203, 700 Lackawanna Avenue, Scranton, PA 18503.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2001. Filed for public inspection November 2, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212285 F0093. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in a portion of Monroe Township, Clarion County, and a portion of Piney Township, Clarion County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before November 19, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company.

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, P. O. Box 888, Harrisburg, PA 17033-0888.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2002. Filed for public inspection November 2, 2001, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

November 28, 2001	Eugene Jones, Jr. (Dec'd) (Contested Death Benefit)	1 p.m.
December 12, 2001	Russell W. Thomas (Disability Retirement After Termination from State Service)	1 p.m.
December 19, 2001	John J. Eastlake (Purchase of Service)	1 p.m.

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 § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 01-2003. Filed for public inspection November 2, 2001, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

In-Depth Inspection of the Tuscarora Tunnel Huntingdon County

Reference No. 2-061

The Turnpike Commission (Commission) will retain an engineering firm to perform a detailed inspection of both

tubes of the Tuscarora Tunnel, located at Milepost 186.20 in Huntingdon County. Inspection services for the engineering firm of the tunnel will include, but not be limited to: structural integrity, drainage, electrical, mechanical, lighting and the portal buildings. Inspection of the roadway pavement will not be a part of this inspection. The successful firm will be required to prepare an inspection report, listing all findings and recommendations.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm. Firms should have sufficient qualified permanent full-time personnel to complete mapping work assignments with short delivery schedules utilizing current state-of-the-art photogrammetric instruments, equipment and software.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this solicitation should be directed to James L. Stump, P.E. at (717) 920-7105 or by e-mail at jstump@paturndpike.com. Contractual questions should be directed to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Statement of Interest with the required information. The Statements of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254 - Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a

designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, disadvantaged business enterprise firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, at the Turnpike Commission Administration Building located at 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). Our mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Monday, November 26, 2001. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 01-2004. Filed for public inspection November 2, 2001, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

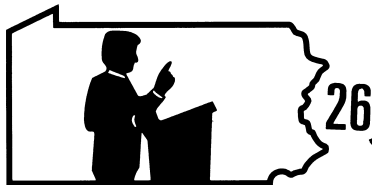
The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

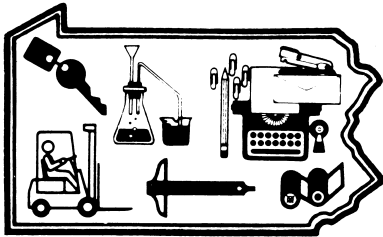
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

B-14848 Vendor will supply to the State Correctional Inst. Graterford solar salt, evaporated crystals type 2, class D in 50 lb. bags (or any other related product). Vendor will be notified by SCIG of delivery requirements.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

Fertilizer-001 Fertilizer to be delivered and spread on herbaceous openings.

Department: Conservation and Natural Resources
Location: Projects will be located in Elk, Clinton, Cameron, and Clearfield counties.
Duration: This will be a multi-year contract which will expire on June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

Lime-001 Agricultural lime made from crushed limestone to be delivered and spread.

Department: Conservation and Natural Resources
Location: Elk, Clinton, Cameron and Clearfield counties
Duration: This will be a multi-year contract which will expire on June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

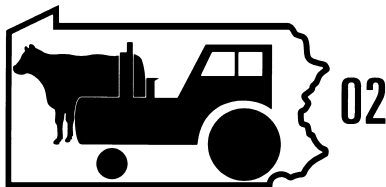
Seed-001 Various types of seed to be delivered and spread.

Department: Conservation and Natural Resources
Location: Projects will be located in Elk, Clinton, Potter, Centre, Cameron and Clearfield counties.
Duration: This will be a multi-year contract which will expire on June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

7887 Automatic transfer switch for emergency power system in power plant.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: November 2001
Contact: Doris Cavallini, (570) 271-4578

SERVICES



Agricultural Services

SP 3810047 Services required to provide heavy and light disking to prepare site for seeding in various locations in Elk, Clinton, Cameron and Clearfield Counties.

Department: Conservation and Natural Resources
Location: Various counties throughout the Commonwealth
Duration: Upon receipt of notice to proceed thru June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

SP 3810048 Services required for liming, seeding and fertilizing at several sites in various locations in Elk, Clinton, Cameron and Clearfield Counties.

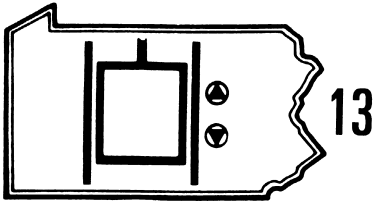
Department: Conservation and Natural Resources
Location: Various counties throughout the Commonwealth
Duration: Upon receipt of notice to proceed thru June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810049 Services required to mow existing herbaceous openings in Elk, Clinton, Cameron and Clearfield Counties. Mowing equipment should consist of an agricultural or industrial tractor with a minimum of 60 horsepower and a "brush hog" with a minimum width of eight (8) feet.

Department: Conservation and Natural Resources
Location: Various counties throughout the Commonwealth
Duration: Upon receipt of notice to proceed thru June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

3/1 Provide fish food used in a statewide fish culture program during the period January 01 - March 31, 2002. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

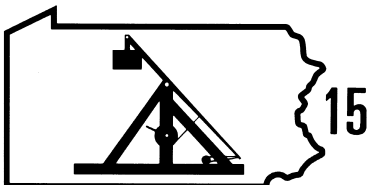
Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested.
Duration: January 01 - March 31, 2002
Contact: Debbie Rose, (814) 359-5141



Elevator Maintenance

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

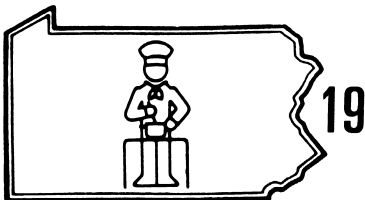
Department: Transportation
Location: Various
Duration:
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

BF 479-101.1 Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project. Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P.O. Box 8476, Harrisburg, PA 17105-8476, no later than 4:00 p.m., Local Time, December 3, 2001, to be considered.

Department: Environmental Protection
Location: 2.0 acres of reclamation located in Wood and Carbon Townships, Huntingdon County.
Duration: N/A
Contact: Robert Deardorff, (717) 787-9893



Food

LBP-2002-04 Poultry and poultry products: quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please send fax request to (570) 961-4400 or e-mail request to bpartyka@state.pa.us. Will be bid on a quarterly basis.

Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1 (570) 961-4354

M-884 Fresh/frozen/chilled meat & meat products; poultry & poultry products; fish; and, cheeses, to be delivered only at request of facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, F.O.B. shipping platform, 727 Goucher St., Johnstown, PA 15905
Duration: January, February, March, 2002
Contact: Christine A. Sloan, Pur. Agt., (814) 255-8228

LBP-2002-06 FROZEN SEAFOOD: Quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please send fax request to (570) 961-4400 or e-mail request to bpartyka@state.pa.us. Will be bid on a quarterly basis.

Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1, (570) 961-4354

DTY 01-055 MISCELLANEOUS PERISHABLE FOODS FOR THE PERIOD OF JANUARY THROUGH MARCH 2002.

Department: Public Welfare
Location: MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017
Duration: 01/01/02 - 03/31/02
Contact: F. MOLISEE, PURCHASING AGENT 2, (412) 257-6215

dtY 01-068 FRESH BREAD, ROLLS, PASTRIES, AND RELATED PRODUCTS FROM PERIOD OF 1/1/02 THRU 6/30/02.

Department: Public Welfare
Location: MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017
Duration: 1/01/02 THRU 6/30/02
Contact: F. MOLISEE, PURCHASING AGENT 2, (412) 257-6215

658 BREAD AND BREAD PRODUCTS:

Department: Public Welfare
Location: POLK CENTER, P. O. Box 94, Polk, PA 16342
Duration: January 1, 2001 thru June 30, 2002
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

LBP-2002-05 ICE CREAM, SHERBERT, ETC.: Quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please send fax request to (570) 961-4400 or e-mail request to bpartyka@state.pa.us. Will be bid quarterly.

Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1, (570) 961-4354

LBP-2002-02 DAIRY PRODUCTS AND DRINKS: Cheese, Butter, Margarine, Cottage Cheese, Sour Cream, etc. Quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please fax request to (570) 961-4400 or E-mail request to bpartyka@state.pa.us. Will be bid quarterly.

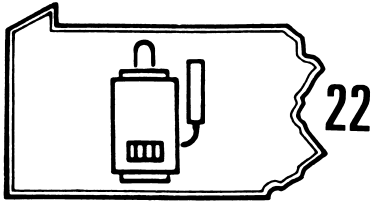
Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1, (570) 961-4354

LBP-2002-07 BREAD AND ROLLS: Quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please send e-mail request to bpartyka@state.pa.us or fax request to (570) 961-4400. Will be bid quarterly.

Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1, (570) 961-4354

7886 Dairy Products, Miscellaneous Foods, Meat & Meat Products, and Poultry

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821-9198
Duration: January 1, 2001 - March 31, 2001
Contact: Kristina Robbins, (570) 271-4578



HVAC Services

8345 Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems at the State Police Academy, 175 E. Hershey Park Drive, Hershey, PA, as needed per Bid Specification #8345.

Department: State Police
Location: PA State Police Academy, 175 East Hershey Park Drive, Hershey, PA 17033
Duration: January 2002 through June 30, 2003
Contact: Stacey Logan-Kent, (717) 705-5952



Medical Services

20873008 Hospital to procure medical services from a qualified medical provider for the purpose of carrying out Pulmonary Functions Servicing and obtaining a medical evaluation of the employee's ability to utilize respiratory protection equipment, based on an evaluation of the current Pulmonary Function Servicing against prior years results.

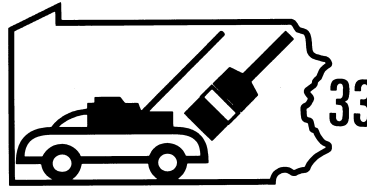
Department: Public Welfare
Location: Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Duration: The term of this contract is anticipated to begin July 1, 2002 and end June 30, 2005, a period of five years.
Contact: Jack W. Heinze, PA III, (717) 772-7435

RFP #2001-15 The Office of the Chancellor, State System of Higher Education, is soliciting bids from insurance carriers to provide an indemnity plan and a point-of-service plan offering hospital and medical/surgical benefits for certain State System employees. Bids for an optional preferred provider organization (PPO) plans are also being accepted. The insurance carrier must offer benefits and statewide network providers. No broker fees will be paid under this contract. The RFP will provide interested vendors with sufficient information to prepare and submit proposals. To receive an RFP, contact either Jennifer Ritchie at William M. Mercer, Inc., 120 East Baltimore Street, 20th Floor, Baltimore, MD 21202, phone (410) 347-2822 or Richard Johnson at William M. Mercer, Inc., 1255 23rd St., NW Suite 500, Washington, DC 20237, phone (202) 331-2569. Final bids must be submitted by December 31, 2001.

Department: State System of Higher Education
Location: Harrisburg, PA
Contact: Jennifer Ritchie, (410) 347-2822

20873013 Provide Dental Laboratory Services for the patients at Harrisburg State Hospital. Vendor is to provide full dentures, partial dentures, valplast partial, cu-sil dentures, repairs of full and partial dentures, relinings of dentures and night guards.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Duration: The term of this contract is anticipated to begin July 1, 2002 and end June 30, 2005, a period of three years.
Contact: Jack W. Heinze, PA III, (717) 772-7435



Property Maintenance

20873012 INSPECTION AND TESTING OF SPRINKLER SYSTEMS: Provide inspection and testing in each building and inspection will be regulated by N.F.P.A.-25 Code. Items to be inspected are Post Indicators, Gauges, Control Valves, Alarm Devices, Hanger-Bracing, Pipe and Fittings, Sprinklers, Fire Department Connections and Main/Drains.

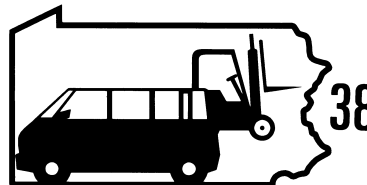
Department: Public Welfare
Location: Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Duration: The term of this contract is anticipated to begin July 1, 2002 and end June 30, 2007, a period of five years.
Contact: Jack W. Heinze, PA III, (717) 772-7435



Sanitation

sp 20877002 Environmental Sanitation (trash removal) Service for both the Altoona and Ebensburg Centers. Ebensburg Center is located in Cambria County and Altoona Center is located in Blair County. Contractor to pick-up all rubbish, garbage, including paper, tin cans, glass containers, rags and all other kinds of refuse but excluding ashes. Contractor will provide 30 yard roll-off dumpsters on an as needed basis.

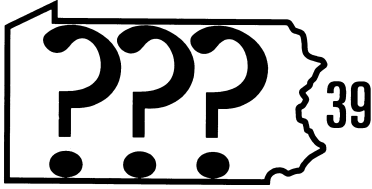
Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, Pa 15931 (Cambria County); Altoona Center, 1515 Fourth St., Altoona, PA 16601 (Blair County)
Duration: Contract is anticipated to begin July 1, 2002 and end June 30, 2005.
Contact: Cora M. Davis, PA I, (814) 472-0288



Vehicle, Heavy Equipment and Powered Machinery Services

2-2-00045 Eight (8) Electric tailgate liquid dispensing systems (Hydraulic Return Drive Systems). Each system shall be 12 Volt and have a 100-gallon minimum capacity polypropylene tank. System shall be complete with pump, pump control, nozzles, hoses, fittings, wiring, and mounting hardware as required. All associated wiring necessary for the application shall be of the thermoplastic elastomer jacketed type. System must have the capability of being controlled with electronic spreader controls. Systems will be installed by Department force.

Department: Transportation
Location: District 0220, Clearfield County, P. O. Box 245, Corner of Washington Ave & Hall St., Hyde, PA 16843-0245
Duration: 12/01/01 thru 05/31/02
Contact: Debbie Swank, (814) 765-0524



Miscellaneous

CAT-001 Rental of a Caterpillar D-7 or approved equivalent.

Department: Conservation and Natural Resources
Location: Projects will be located in Elk, Clinton, Potter, and Centre Counties.
Duration: This will be a multi-year contract which will expire on June 30, 2004.
Contact: Pamela Stouffer, (717) 783-0760

HUN 367 Supplemental Islam Chaplaincy services to assist the Institution Protestant Chaplain within the institution. (avg 16hrs/week) Details and specifications for duties and qualifications are on file in the Purchasing Department of the requesting Agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 1/1/02 to 6/30/04
Contact: Robert Jessell, Pur Agt, (814) 643-2400 x 304

084148 Supply uniforms (which shall be rented) to the PA Department of Transportation, York County. All requests for bid packages must be received via Fax at (717) 854-6773 Attn: Vicki Mays, or by telephone (717) 848-6230 x 312 8am to 4:30pm, Monday thru Friday.

Department: Transportation
Location: 1920 Susquehanna Trail North, York, PA 17404
Duration: 3 year period.
Contact: Richard Bear, (717) 848-6230 x 303

[Pa.B. Doc. No. 01-2005. Filed for public inspection November 2, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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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:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8506030-01	10/22/01	Tri-Boro Construction Supplies	42,903.00
0027-04	10/15/01	David Smith Printing	67,419.80
6350-01 Open Enrollment-2nd Quarter	10/10/01	Audio Video Repair	50,000.00
6530-06 rip#1	10/10/01	Druzak Medical	25,000.00
6640-05	10/10/01	Allan Baker dba/Korrek Optical	25,580.00
6640-05	10/10/01	Hart Specialties	36,600.00
6640-05	10/10/01	Nassau Lens	5,400.00
6640-05	10/10/01	Value Eyewear	5,000.00

KELLY P. LOGAN,
Acting Secretary

[Pa.B. Doc. No. 01-2006. Filed for public inspection November 2, 2001, 9:00 a.m.]

