

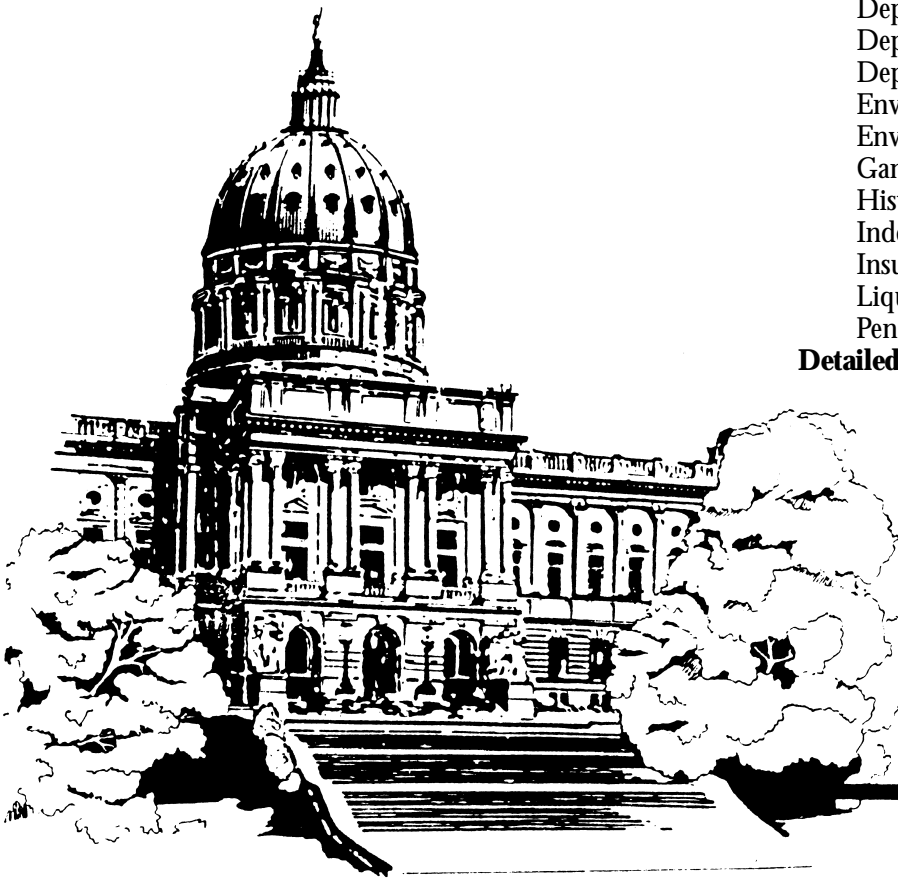
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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The General Assembly
The Courts
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Independent Regulatory Review 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 GOVERNOR

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 2001-5]

Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council and the Governor's Youth Sportsmen's Advisory Council

Whereas, Pennsylvania has been blessed with abundant natural resources which have created opportunity for widespread recreational activities; and

Whereas, Pennsylvania's rich outdoor heritage, including activities such as hunting, fishing, trapping, nature photography, bird and wildlife watching are enjoyed by more than half of Pennsylvania's population, almost six million people; and

Whereas, these recreational activities have generated business income of more than \$5 billion and supported more than 100,000 jobs in our Commonwealth; and

Whereas, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official representative body of sportsmen and women of Pennsylvania.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Sportsmen's Advisor, the Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council.



Governor

Fiscal Note: Gov 01-6. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter FFF. GOVERNOR'S SPORTSMEN'S ADVISORY COUNCIL

§ 5.821. Governor's Sportsmen's Advisor.

(a) There is hereby created the position of Governor's Sportsmen's Advisor (Advisor) appointed by the Governor and responsible for advising the Governor on matters affecting concerns and issues of sportsmen.

(b) The Advisor shall, with the approval of the Governor's Office, employ other persons needed for the proper administration of the program.

(c) The Advisor functions as the State government's advocate for sportsmen and shall develop and implement policies and programs to support this mission.

§ 5.822. Governor's Sportsmen's Advisory Council.

(a) *Purpose.* The purpose of the Governor's Sportsmen's Advisory Council (Council) is to assist the Governor's Sportsmen's Advisor (Advisor) in advising and informing the Governor on sportsmen's issues including, the conservation of this Common-

wealth's natural resources for both consumptive (hunting, angling, trapping, and the like) and nonconsumptive (nature photography, bird and wildlife watching, hiking, and the like) uses, as well as related economic, legislative and regulatory issues.

(b) *Responsibilities.* Subject to the direction of the Advisor, the Council shall:

(1) Make written recommendations to the Governor on issues that may affect the recreational uses of the natural resources of this Commonwealth.

(2) Review and make recommendations to the Governor and the Advisor regarding all pending legislation and regulations that pertain to the Game Commission, the Fish and Boat Commission, or the Bureaus of Forestry and State Parks within the Department of Conservation and Natural Resources and the Department of Environmental Protection.

(3) Review and make recommendations to the Governor and the Advisor regarding all other pending legislation and regulations pertaining to conservation issues that affect the outdoor sporting public in this Commonwealth.

(4) Review all candidates who are seeking an appointment to either the Game Commission or the Fish and Boat Commission and make recommendations to the Governor regarding the qualifications of the candidates.

(5) Convene at least quarterly and at the call of the chairperson.

(6) Adopt rules of procedure consistent with this subchapter.

(c) *Composition of the Council.* The Council shall consist of 17 Pennsylvania residents appointed by the Governor to serve at his pleasure. At least nine of the members shall hold a valid hunting or fishing license, or both. Elected State officials or employees of the Department of Environmental Protection, the Department of Conservation and Natural Resources, the Fish and Boat Commission or the Game Commission are not eligible for membership on the Council. The Governor will designate one member of the Council as the chairperson of the Council who will serve at the pleasure of the Governor. Other officers, as needed, shall be elected by the members of the Council.

(d) *Terms of membership.* Members of the Council are appointed for terms of 1 year and continue to serve thereafter until their successors have been appointed and qualified. If a vacancy occurs during a member's term, the Governor will appoint a successor.

(e) *Compensation.* Members of the Council receive no compensation for their services. However, members who are not employees of the Commonwealth shall be reimbursed in accordance with established Commonwealth policy for expenses incurred in serving the Council. (See Chapter 40 (relating to travel and subsistence).)

(f) *Cooperation by State agencies.* Agencies under the Governor's jurisdiction shall cooperate fully with the Council and provide staff assistance and information as needed by the Council to carry out its functions effectively.

(g) *Reports.* In addition to the recommendations described in this section, the Council and Advisor shall submit to the Governor an Annual Report on the Council's activities.

§ 5.823. Governor's Youth Sportsmen's Advisory Council.

(a) *Purpose.* The purpose of the Governor's Youth Sportsmen's Advisory Council (Youth Council) is to assist the Governor's Sportsmen's Advisor (Advisor) and the Governor's Sportsmen's Advisory Council (Council) in advising and informing the Governor on sportsmen's issues including, the conservation of the natural resources of this Commonwealth for both consumptive (hunting, angling, trapping, and the like) and nonconsumptive (nature photography, bird and wildlife watching, hiking, and the like) uses, as well as related economic, legislative and regulatory issues.

(b) *Goals and responsibilities.* Subject to the direction of the Advisor and Council, the Youth Council shall:

(1) Advise the Council on conservation and outdoor recreation issues that pertain directly to the youth of this Commonwealth.

(2) Identify barriers and obstacles preventing youth participation in conservation and outdoor recreation.

(3) Recommend new strategies to interest a diversity of youth in conservation and outdoor recreation and to retain their interest and involvement.

(4) Assist the natural resource agencies within this Commonwealth with youth programs and issues relating to conservation and outdoor recreation.

(5) Convene at least quarterly and at the call of the chairperson, Advisor and liaison members.

(6) Adopt rules of procedure consistent with this subchapter.

(c) *Composition.* The members of the Youth Council are appointed by and serve at the pleasure of the Governor. The membership of the Youth Council consists of the following:

(1) A maximum of 20 citizens of this Commonwealth between 14 and 18 years old. A member may not serve beyond graduation from high school.

(2) Appointees shall be active in outdoor activities and hold a valid hunting or fishing license or membership in an outdoor or conservation-related organization/club (that is, 4-H, Future Farmers of America, Trout Unlimited, Ducks Unlimited, and the like).

(3) One member shall be elected by members to serve as chairperson of the Youth Council for 1 academic year. Other officers, as needed, shall be elected by the members of the Council and serve for 1 academic year (September 1—August 31).

(d) *Terms of membership.* Members of the Youth Council are appointed for terms of 1 year and shall continue to serve thereafter until their successors have been appointed and qualified. Members may not serve beyond the age of 18. If a vacancy occurs during a member's term, the Advisor shall submit recommendations for the Governor's approval. Members are required to attend at least 3 meetings per academic year and actively participate in Youth Council activities by serving as officers or on project teams.

(e) *Liaison members.* Additional nonyouth members (liaison members) shall be appointed to the Youth Council by the Advisor. The liaison members are responsible for advising and guiding the Youth Council on conservation and outdoor recreation topics and issues and communicating youth concerns to liaison members' respective organizations and agencies. Liaison members shall be representatives of the Fish and Boat Commission, the Game Commission, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the conservation districts and associated conservation organizations. Two former Youth Council members (one male and one female) shall be appointed by the Advisor as liaison members and shall serve for 1 year or until their successors have been appointed.

(f) *Reports.* In addition to the recommendations made under this subchapter, the Youth Council shall submit an annual report on the Youth Council's activities to the Governor's Advisor.

§ 5.824. Rescission.

Executive Order 1995-9, Governor's Sportsmen's Advisory Council, is rescinded.

§ 5.825. (Reserved).

§ 5.826. (Reserved).

§ 5.827. (Reserved).

§ 5.828. (Reserved).

§ 5.829. (Reserved).

[Pa.B. Doc. No. 01-2007. Filed for public inspection November 9, 2001, 9:00 a.m.]

GENERAL ASSEMBLY

Recent Actions During the 2001 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2001 GENERAL ACTS ENACTED—ACT 078 through 083					
078	Oct 24	SB0419	PN0427	immediately	Die, Mold and Form Forfeiture Act—enactment
079	Oct 30	HB0815	PN2685	immediately	General Provisions (1 Pa.C.S.)—local or special legislation notice and Board of Commissioners on Uniform State Laws reestablishment
080	Oct 30	HB0869	PN2598	immediately	Second Class County Code—omnibus amendments
081	Oct 30	HB0910	PN2631	60 days	Judicial Code (42 Pa.C.S.)—volunteer-in-public-service negligence standard
082	Oct 30	SB0773	PN1103	60 days	Vital Statistics Law of 1953—filings with department for marriages, divorces, annulments, adoptions and decrees of annulment relating to adoptions
083	Oct 30	SB0640	PN1473	immediately	Public School Code of 1949—distress in first class school districts and medical education loan assistance, etc.

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 01-2008. Filed for public inspection November 9, 2001, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Deferment of Frontier Insurance Company Cases by Reason of Order of Liquidation; Administra- tive Doc. 10 of 2001

Order

And Now, this 22nd day of October, 2001, upon consideration of the Order of Liquidation entered by the Supreme Court of New York filed October 15, 2001 pursuant to the Petition of the Superintendent of Insurance of the State of New York, it is hereby *Ordered* and *Decreed* that all cases in which Frontier Insurance Company is a named party shall be placed in deferred status.

It is further *Ordered* and *Decreed* that all actions currently pending against an insured of Frontier Insurance Company are deferred for one hundred and eighty (180) days from October 15, 2001 or until such additional time as the Rehabilitator may request.

It is further *Ordered* and *Decreed* that the filing of any first party claim against Frontier (under Article 76 of the New York Insurance Law) is deferred for ninety (90) days from October 15, 2001 or such additional time as the Rehabilitator may request.

By the Court

JOHN W. HERRON
Administrative Judge
Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, The Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administra-

tive Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's website at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-2009. Filed for public inspection November 9, 2001, 9:00 a.m.]

PHILADELPHIA COUNTY

Electronic Filing of Legal Papers Involving Proceedings Pursuant to the Mental Health Procedures Act; Modification of Effective Date of Administrative Order No. 2001-01, Issued January 2, 2001; President Judge Administrative Order No. 2001-01

Order

And Now, this 24th day of October, 2001, the Pennsylvania Supreme Court having adopted Pa.R.C.P. No. 205.4 on a permanent basis, this Administrative Order, adopting a procedure for Electronic Filing of Mental Health Procedures, is likewise adopted on a permanent basis, until further order of this Court. Phila.R.Civ.P. No. 205.4(i) is vacated.

This Administrative Order is promulgated in accordance with Pa.R.C.P. 205.4. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,
President Judge

[Pa.B. Doc. No. 01-2010. Filed for public inspection November 9, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 258]

[Correction]

Medical Assistance Estate Recovery

This document was printed at 31 Pa.B. 6034 (November 3, 2001) with an incorrect title name. The name should have been "Medical Assistance Estate Recovery."

[Pa.B. Doc. No. 01-1597. Filed for public inspection November 2, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1223]

Outpatient Drug and Alcohol Clinic Services

The Department of Public Welfare (Department), by this order, adopts amendments to Chapter 1223 (relating to outpatient drug and alcohol clinic services) to read as set forth in Annex A under the authority of section 443.3(1) of the Public Welfare Code (62 P.S. § 443.3(1)) (act). A Notice of Rule Change (NORC) was published at 28 Pa.B. 1281 (March 7, 1998).

Notice of proposed rulemaking is omitted under section 204(1)(iv) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)) (CDL) and 1 Pa. Code § 7.4(1)(iv) (relating to omission of notice of proposed rulemaking because administrative regulations relate to Commonwealth benefits. Additionally, notice of proposed rulemaking is omitted for good cause as impractical, unnecessary and contrary to the public interest under section 204(3) of the CDL and 1 Pa. Code § 7.4(3) since further delay in implementing these regulations may result in undue hardship for eligible Medical Assistance (MA) recipients who do not have access to adequate drug and alcohol services.

Purpose

The purpose of this rulemaking is to amend the MA enrollment policy for outpatient drug and alcohol clinics to maintain consistency with Department of Health (DOH), drug and alcohol program licensing, by allowing drug and alcohol clinics with a provisional license to bill for covered MA services rendered to eligible MA recipients. This rulemaking also deletes references to obsolete bureaus and offices.

Background

Currently § 1223.41 (relating to participation requirements) does not allow for reimbursement to drug and alcohol clinics with provisional licenses. Under the DOH regulations, 28 Pa. Code Chapter 709 (relating to standards for licensure of freestanding treatment facilities), a drug and alcohol clinic with a provisional license may treat patients. New drug and alcohol clinics are issued provisional licenses for a 6-month period following the site inspection by the DOH. Within the 6-month period, a clinic shall demonstrate that it can provide the services in conformity with the regulations. If a clinic meets all licensing regulations for drug and alcohol clinics, the

Division of Drug and Alcohol Program Licensing within the DOH will issue the clinic a full license. If the clinic does not meet the licensing regulation within the 6-month period, the clinic may receive any number of provisional licenses as determined by the DOH.

In addition, a fully licensed drug and alcohol clinic may receive a provisional license after its yearly inspection. If the clinic receives a provisional license, the clinic has 6 months to meet licensing regulations. If the clinic still does not meet licensing regulations, the clinic may receive any number of provisional licenses as determined by the DOH.

By allowing drug and alcohol clinics with provisional licenses to bill for covered services to eligible MA recipients, recipients will be able to continue with the same provider and so maintain continuity of care. Further, since new drug and alcohol clinics cannot receive a full license for at least 6 months, permitting clinics with a provisional license to participate in the MA Program will increase access by MA clients to these covered services.

Need for the Amendments

These amendments are needed to codify changes issued under the NORC published at 28 Pa.B. 1281.

Summary of the Amendment

Section 1223.2 (relating to definitions) is revised by eliminating all references to the "Governor's Council on Drug and Alcohol Abuse" and replacing them with the "Department of Health." Also, the definition of "drug/alcohol outpatient clinic provider" is revised to include those facilities which are provisionally licensed.

Section 1223.14 (relating to noncovered services) is revised by eliminating the reference to the "Governor's Council on Drug and Alcohol Abuse" and replacing it with the "Department of Health."

Section 1223.41 is revised to include those drug/alcohol outpatient clinics that are provisionally licensed. Also, the references to the "Governor's Council on Drug and Alcohol Abuse" is replaced with the "Department of Health." All references to the "Bureau of Provider Relations" have been replaced with the "Office of Medical Assistance Programs."

Fiscal Impact

Public Sector

To the extent that the Department has been providing these services under the NORC published at 28 Pa.B. 1281, the Department does not anticipate any future impact on the public sector if these amendments are adopted.

Private Sector

The Office of MA Programs does not anticipate any future fiscal impact on the private sector.

General Public

The Office of MA Programs does not anticipate any future fiscal impact on the general public.

Paperwork Requirements

There are no additional reports or new forms needed to comply with these rulemaking changes.

Sunset Date

The Department's Office of MA Programs will evaluate the effectiveness of these regulations on an ongoing basis. Necessary and appropriate changes will be made in response to letters, recommendations and comments from other offices, agencies and individuals and as a result of Departmental findings. No sunset date is required.

Public Comment

Although this rulemaking is being adopted without prior notice, interested persons are invited to submit written comments within 30 days from the date of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). If another alternative is required, contact Thomas Vracarich at (717) 783-2209.

Regulatory Review Act

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 18, 2001, the Department submitted a copy of this final-omitted rulemaking 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 rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

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

Findings

The Department finds that:

- (1) Notice of proposed rulemaking is omitted because the amendments relate to Commonwealth benefits under section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv).
- (2) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the CDL and 1 Pa. Code § 7.4(3).
- (3) The adoption of this final-omitted rulemaking 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 act orders that:

- (a) The regulations of the Department, 55 Pa.Code Chapter 1223, are amended by amending §§ 1223.2, 1223.14 and 1223.41 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (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 immediately upon publication in the *Pennsylvania Bulletin* and apply retroactively to March 1, 1998.

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: 14-453. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 55. PUBLIC WELFARE
PART III. MEDICAL ASSISTANCE MANUAL
CHAPTER 1223. OUTPATIENT DRUG AND ALCOHOL CLINIC SERVICES**

GENERAL PROVISIONS

§ 1223.2. Definitions.

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

* * * * *

Drug/alcohol outpatient clinic provider—A facility approved by the Department to participate in the Medical Assistance Program and which is fully or provisionally licensed by the Department of Health to provide regular psychotherapy, client management, medical and psychological outpatient services for the diagnosis and treatment of drug and alcohol abuse and dependence to eligible Medical Assistance outpatient recipients who are not residents of a treatment institution or receiving similar treatment elsewhere. A drug/alcohol clinic may provide methadone maintenance if approved to do so by the Department of Health.

Drug/alcohol outpatient clinic psychotherapy personnel—Licensed physicians, clinical social workers who have been graduated from a graduate school of social work accredited or approved by the Council on Social Work Education, licensed psychologists with psychotherapy training, and other individuals permitted by the Department of Health.

* * * * *

Treatment institution—A facility licensed, funded or controlled by the Department of Health or its agents that provides or makes provision for full or part-time treatment or rehabilitative services for drug and alcohol abuse and dependence of resident patients.

COVERED AND NONCOVERED SERVICES

§ 1223.14. Noncovered services.

Payment will not be made for the following types of services regardless of where or to whom they are provided:

- (1) Nonmedical counseling consisting of supportive activities to improve an individual's problem-solving and coping skills and intrapersonal or interpersonal development and functioning; and group recreation or group social activities, as group psychotherapy.
- (2) Clinic visits, psychotherapy, diagnostic psychological evaluations, psychiatric evaluations and comprehensive medical evaluations conducted over the telephone, that is, any clinic service conducted over the telephone.
- (3) Cancelled appointments.

- (4) Covered services that have not been rendered.
- (5) Inpatient hospital methadone maintenance.
- (6) Vocational rehabilitation; day care; drug/alcohol or mental health partial hospitalization; reentry programs, occupational or recreational therapy; Driving While Intoxicated (DWI) or Driving Under the Influence Programs or Schools; referral, information or education services; experimental services; training; administration; follow-up or aftercare; program evaluation; case management; central intake or records; shelter services; research; drop-in, hot-line or social services; inpatient nonhospital or occupational program services, or any other service or program not specifically identified as a covered service in Chapter 1150 (relating to Medical Assistance Program payment policies) and the Medical Assistance (MA) Program fee schedule.
- (7) An MA covered service, including drug/alcohol clinic services, provided to inmates of State or county correctional institutions or committed residents of public institutions.
- (8) Drug/alcohol outpatient clinic services provided to residents of treatment institutions, that is, persons who are also being provided with room and board and services on a 24-hour basis by the same facility or distinct part of the facility or program. Drug/alcohol outpatient clinic services provided to residents of inpatient nonhospital and shelter facilities.
- (9) Drug/alcohol outpatient clinic services provided to patients receiving psychiatric partial hospitalization services under the MA Program or drug/alcohol partial hospitalization services under the Department of Health.
- (10) Covered drug/alcohol clinic services, with the exception of family psychotherapy, provided to persons without a drug/alcohol abuse or dependence diagnosis who are family members, other relatives, friends, acquaintances or live-in companions of the eligible recipient with a drug/alcohol abuse or dependence problem solely because of a relationship to the recipient. Payment will be made only for covered services directly provided to eligible MA recipients who have been diagnosed by a licensed physician as having a drug/alcohol abuse or dependence problem.
- (11) Services delivered at locations other than approved drug/alcohol outpatient clinics with the exception of home visits under the conditions specified in § 1223.52(d) (relating to payment conditions for various services).
- (12) Methadone maintenance clinic visits on days when the patient has take-home privileges, that is, self-administers methadone at home.
- (13) Home visits not provided in accordance with the conditions specified in § 1223.52(d).
- (14) Services provided before the date of the physician's examination, diagnosis and treatment plan.

PROVIDER PARTICIPATION

§ 1223.41. Participation requirements.

In addition to the participation requirements established in Chapter 1101 (relating to general provisions), drug/alcohol outpatient clinics shall meet the following participation requirements:

- (1) Be fully or provisionally licensed/approved as an outpatient drug/alcohol facility by the Department of Health. To remain eligible for Medical Assistance reimbursement, a facility shall be fully or provisionally licensed/approved at all times as an outpatient drug/alcohol clinic.
- (2) Have medical personnel currently licensed or registered in accordance with the laws of the Commonwealth.
- (3) Have a written patient referral plan that provides for inpatient hospital care and other follow-up treatment.
- (4) Post a current, written fee schedule for billing third party and private payors.
- (5) Appoint an administrator or director responsible for the internal operation of the clinic in accordance with established policies. Appoint a physician responsible for the supervision and direction of services rendered to eligible recipients.
- (6) Notify immediately the Department's Office of Medical Assistance Programs, in writing, of any facility name, address and service changes prior to the effective date of change. Failure to do so may result in payment interruptions or termination of the provider agreement.
- (7) Enter into a written provider agreement with the Department.
- (8) Forward copies of items required by subparagraphs (i)—(v) to the Office of Medical Assistance Programs. It is the clinic director's responsibility to notify the Office of Medical Assistance Programs, in writing, of changes in the clinic's full compliance with licensure standards and changes in the following items required by subparagraphs (i)—(v) within 30 days following a change. If the clinic is relicensed by the Department of Health, the clinic director shall also forward a copy of the current license to the Office of Medical Assistance Programs within 30 days of relicensure:
 - (i) A current Department of Health license showing effective dates of licensure and activities licensed.
 - (ii) A written description of referral services utilized.
 - (iii) A written description of clinic services provided on the clinic premises.
 - (iv) The current fee schedule for billing third party and private payors.
 - (v) The names and business addresses of physicians providing treatment or supervision for MA recipients on a full-time or part-time basis in the clinic.
- (9) Have each branch location or satellite of an approved clinic also licensed by the Department of Health as an outpatient clinic and be approved by the Office of Medical Assistance Programs before reimbursement can be made for services rendered at the branch or satellite. Approval of the parent organization does not constitute approval for any branches or satellites of the same organization.
- (10) Be approved by the Office of Medical Assistance Programs.

[Pa.B. Doc. No. 01-2011. Filed for public inspection November 9, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) proposes to revise Chapter 1021 (relating to practice and procedures) by adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have the following objectives:

(1) To provide the regulated community, the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the Board.

(2) To improve the rules of practice and procedure before the Board.

I. *Statutory Authority for Proposed Rulemaking*

The Board has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) to adopt regulations pertaining to practice and procedure before the Board.

II. *Description of Proposed Rulemaking*

The proposed rulemaking modifies provisions of the rules to improve practice and procedure before the Board. The proposed rulemaking is based on the recommendations of the Board Rules Committee, a nine member advisory committee created by section 5 of the act to make recommendations to the Board on its rules of practice and procedure. The Board may promulgate proposed regulations based in whole or in part on the recommendations of the Rules Committee.

This summary provides a description of: (1) the existing rules of practice and procedure when relevant to proposed rulemaking; (2) the Board's proposed rulemaking; and (3) how the proposal differs from the Rules Committee's recommendations.

Where the recommendations of the Rules Committee were not in proper legislative style and format, they have been modified to conform to those requirements. Similarly, where recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) (General Rules), references to those rules have been added.

The proposed rulemaking can be divided into four categories: 1) reorganization of the Board's existing rules of practice and procedure; 2) adoption of a new rule; 3) substantive amendments to existing rules; and 4) changes limited to superseding the General Rules. Substantive amendments or additions were made as follows: definitions (§ 1021.2); withdrawal of appearance (new rule added at § 1021.23); filing (existing § 1021.30, proposed § 1021.31); service by a party (existing § 1021.32, proposed § 1021.33); date of service (existing § 1021.33, proposed § 1021.34); number of copies (existing § 1021.35, proposed § 1021.36); docket (existing § 1021.41, proposed § 1021.38); motions—general (existing § 1021.70, proposed § 1021.91); procedural motions (existing § 1021.71, proposed § 1021.92); reconsideration

of interlocutory orders (existing § 1021.123, proposed § 1021.151); reconsideration of final orders (existing § 1021.124, proposed § 1021.152); composition of the certified record on appeal to Commonwealth Court (existing § 1021.171, proposed § 1021.201). The rule on discovery (existing § 1021.111, proposed § 1021.102) was amended only for the purpose of superseding the General Rules.

A major feature of the substantive changes to the rules are amendments permitting counsel for the parties to elect to file and serve their legal documents through the Board's website. This system has been the subject of a pilot program of existing cases pending with the Board. The pilot project has been successful and has been greeted with enthusiasm by counsel participating in this pilot program. The Board anticipates that this will be of great convenience to litigants, will result in some cost savings to them and will reduce the volume of paper that otherwise would have to be filed with the Board and served on other parties. The proposed rules on electronic filing comply in all material respects with Pa.R.C.P. No. 205.4 authorizing lower courts to implement electronic filing and service.

1. *Reorganization of rules*

The Board adopted the Rules Committee's proposal to reorganize the rules of practice and procedure in an effort to make the rules more user-friendly for practitioners and the public. The rules have been reorganized as set forth in Annex A. No rules have been deleted; they have simply been renumbered in the order in which they become relevant in a proceeding before the Board. Where text has been amended, this is shown in bold in Annex A.

The proposed reorganization of the rules is demonstrated by the cross reference table that appears before Annex A. The Board will seek to have the table published in the *Pennsylvania Bulletin* and codified in the *Pennsylvania Code* as an annex to the rules so that there will be a ready reference table showing how the rules have been reorganized for at least the first 5 years after the reorganized rules have been published as final regulations.

Additionally, the Board intends to have the reorganized rules published with a unified table of contents, rather than a separate table of contents by subchapter, to facilitate the location of applicable rules. The Board has discussed this proposal with personnel at the Legislative Reference Bureau, who have indicated they would not object to this format.

2. *Definitions*

The Board proposes amending its rule on definitions (§ 1021.2) to add the following definitions: "electronic filing," "filing attorney," "legal document," "registered attorney" and "registration statement." These definitions are necessitated by the Board's proposed rule on electronic filing.

3. *Withdrawal of Appearance*

The Board rules currently have no provision governing the withdrawal of appearance by counsel. Proposed rule § 1021.23 sets forth the procedures to be followed in the case of an attorney seeking to withdraw an appearance in a matter before the Board. Section 1021.23(a) parallels Pa.R.C.P. No. 1012(b) by requiring that an attorney seek leave to withdraw unless another attorney has entered an

appearance and the change of parties does not delay any stage of the litigation. Section 1021.23(b) sets forth the factors the Board will consider in ruling on a motion to withdraw, as follows: the reasons why withdrawal is being sought; any prejudice that may result to the litigants; any delay in resolution of the case that would result from withdrawal; and the effect of withdrawal on the efficient administration of justice. When withdrawal will result in the party being unrepresented in the proceeding, § 1021.23(c) requires the withdrawing counsel to provide the Board with the name of a contact person for future service.

4. *Filing, Service and Docket*

The Board proposes amending its rules on filing (existing § 1021.30, proposed § 1021.31), service by a party (existing § 1021.32, proposed § 1021.33), date of service (existing § 1021.33, proposed § 1021.34) and docket (existing § 1021.41, proposed § 1021.38) to allow for electronic filing and service. In the fall of 2000, the Board initiated a pilot project to allow parties to file documents electronically through its website. Instructions and guidelines for the pilot project appear on the Board's website at www.ehb.verilaw.com. The pilot project has demonstrated that electronic filing and service provides a benefit to the practicing bar as an elective means of filing and service. As a result, the Board now intends to adopt amendments to its rules of practice and procedure to allow all parties the option of electronic filing and service.

The Board proposes to amend its rule on filing (existing § 1021.30, proposed § 1021.31) to allow the electronic filing of "legal documents" not exceeding 50 pages in length. The term "legal document" has been defined in the proposed amendment to § 1021.2 to include "a motion, answer or other paper filed in a proceeding before the Board other than a notice of appeal or complaint that is original process naming defendant or defendants." Exhibits to legal documents may be filed and served either electronically or by hard copy in accordance with the rules on filing and service.

The Board proposes to amend its rule on service by parties (existing § 1021.32, proposed § 1021.33) to allow the service of legal documents electronically. The rule also permits an attorney who has registered to file and receive service electronically to withdraw a registration statement for purposes of a specific case if the attorney chooses not to receive service electronically in that case.

The Board proposes to amend its rule on date of service (existing § 1021.33, proposed § 1021.34) to state that the date of service for electronically transmitted documents shall be the date on which the document is transmitted electronically. This would permit the filing of documents up to midnight of the date required for filing. When exhibits to an electronically filed document are served by mail, 3 days shall be added to the time for responding to the document.

The Board proposes to amend its rule on docket (existing § 1021.41, proposed § 1021.38) to state that the Board will maintain a docket on its website and will accept filings of legal documents by electronic transmission from attorneys who have filed a registration statement. The docket will register the date of filings and the time of filing if made electronically. When a document is filed electronically, the Board will electronically transmit a message to all registered attorneys in the proceeding. The official copy of an electronically filed document shall be that appearing on the Board's website.

5. *Number of copies*

The Board's current rule on number of copies (existing § 1021.35, proposed § 1021.36) requires that multiple copies of a motion be filed but does not require multiple copies of supporting memoranda of law, responses or replies. It also does not require multiple copies of notices of appeal and complaints. Except in the case of documents filed electronically, the proposed rule will require that an original and two copies of the following documents shall be filed with the Board: notices of appeal, complaints, answers, posthearing briefs and dispositive motions and related memoranda, responses and replies. The proposed rulemaking will only require that an original and one copy of the following documents shall be filed with the Board: petitions for supersedeas and any related responses, prehearing memoranda, nondispositive motions and petitions (other than motions for stays, extensions and continuances of procedural deadlines) and related memoranda, responses and replies. The proposed rule will require an original of all other documents.

The Rules Committee also considered whether the rule should address the service of courtesy copies on individual judges, for example, when the document must be filed in Harrisburg but the presiding judge is in Pittsburgh. The Rules Committee determined that this should not be incorporated into the rule since each judge had different requirements with regard to courtesy copies.

6. *Motions*

The Board proposes to amend its current rules on motions—general (existing § 1021.70, proposed § 1021.91) and procedural motions (existing § 1021.71, proposed § 1021.92) to require that proposed orders be attached to motions, responses and requests for extensions or continuances.

7. *Discovery*

Subsection (e) of the Board's current rule on discovery (existing § 1021.111, proposed § 1021.102) states that the rules supplement 1 Pa. Code §§ 35.145—35.152 of the General Rules relating to depositions. Under these sections of the General Rules, depositions may only be taken with notice to and the approval of the agency or presiding officer. Because the Board does not require parties to notify or obtain approval prior to the taking of a deposition, the Rules Committee was asked to consider whether subsection (e) of the Board's discovery rule should be amended to state that it supersedes rather than supplements the General Rules. Both the Rules Committee and the Board voted to approve the recommended change.

8. *Reconsideration*

The Board's rules on reconsideration of interlocutory and final orders (existing §§ 1021.123 and 1021.124, proposed §§ 1021.151 and 1021.152) have been amended to state that a party may file a memorandum of law in support of a petition for reconsideration or response to a petition for reconsideration. This proposed amendment was made in recognition of the fact that parties have a very short time period (10 days) in which to prepare a petition for reconsideration, so that they may dispense with the necessity of preparing a supporting brief.

9. *Certified Record on Appeal to Commonwealth Court*

The Board rule on composition of certified record on appeal to the Commonwealth Court (existing § 1021.171, proposed § 1021.201) has been amended to correct a typographical error. The reference to "Pa.R.C.P. 1951" in subsection (a) of the rule has been corrected to read "Pa.R.A.P. 1951." This change will properly designate the

application of the Pennsylvania Rules of Appellate Procedure rather than the erroneous designation of the Pennsylvania Rules of Civil Procedure.

The Board concurred with the recommendations previously set forth.

III. *Fiscal Impact of the Proposed Rulemaking*

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivisions or the private sector. The amendments may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in Board procedures, authority and requirements. Further, the amendments providing for electronic filing may result in an overall reduction in the use of paper because they will permit parties to file legal documents electronically.

IV. *Paperwork Requirements for Proposed Rulemaking*

The proposed rulemaking will not require the Board to modify its standard orders.

V. *Public Meeting on Proposed Rules*

Under 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the Board voted to adopt the proposed rules at a public meeting held on May 9, 2001, at the Board's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

VI. *Government Reviews of Proposed Rulemaking*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 25, 2001, the Board submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Senate and House Standing Committees on Environmental Resources and Energy. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed rulemaking. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed rulemaking, by the Board, the General Assembly and the Governor of objections raised.

VII. *Public Comment Regarding Proposed Rulemaking*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to William T. Phillipy, IV, Secretary, Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of this publication.

GEORGE J. MILLER,
Chairperson

Fiscal Note: 106-6. No fiscal impact; (8) recommends adoption.

(Editor's Note: The following is printed as an aid to the reader. For historical purposes, it will be codified when the proposal is adopted.)

**CROSS REFERENCE OF
CURRENT SECTION NUMBERS
TO PROPOSED SECTION NUMBERS**

<i>Current Section Number</i>	<i>Proposed Section Number</i>
1021.1	1021.1
1021.2	1021.2
1021.3	1021.3
1021.4	1021.4
1021.11	...
1021.15	1021.11
1021.17	1021.12
1021.21	...
1021.22	1021.21
1021.23	1021.22
1021.24	1021.24
1021.30	1021.31
1021.31	1021.32
1021.32	1021.33
1021.33	1021.34
1021.34	1021.35
1021.35	1021.36
1021.36	1021.37
1021.41	1021.38
1021.51	1021.51
1021.52	1021.52
1021.53	1021.53
1021.54	1021.83
1021.56	1021.71
1021.57	1021.72
1021.58	1021.73
1021.61	...
1021.62	1021.81
1021.64	...
1021.65	...
1021.66	...
1021.70	1021.91
1021.71	1021.92
1021.72	1021.93
1021.73	1021.94
1021.74	1021.95
1021.76	1021.61
1021.77	1021.62
1021.78	1021.63
1021.79	1021.64
1021.80	1021.82
1021.81	1021.101
1021.82	1021.104
1021.83	1021.105
1021.84	1021.106
1021.85	1021.111
1021.86	1021.116
1021.87	1021.113
1021.88	1021.121
1021.89	1021.117
1021.90	1021.126
1021.92	1021.132
1021.94	1021.112
1021.96	1021.114
1021.98	1021.115
1021.99	1021.107
1021.101	1021.122
1021.104	1021.118
1021.107	1021.123
1021.108	1021.124
1021.109	1021.125
1021.111	1021.102
1021.114	1021.103
1021.116	1021.131
1021.117	1021.25

<i>Current Section Number</i>	<i>Proposed Section Number</i>
1021.118	1021.134
1021.120	1021.141
1021.122	1021.133
1021.123	1021.151
1021.124	1021.152
1021.125	1021.161
1021.131	1021.171
1021.132	1021.172
1021.133	1021.173
1021.134	1021.174
1021.141	1021.181
1021.142	1021.182
1021.143	1021.183
1021.144	1021.184
1021.151	1021.191
1021.161	1021.54
1021.162	1021.55
1021.171	1021.201

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURES

PRELIMINARY PROVISIONS
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- Sec.
1021.1. Scope of chapter.
1021.2. Definitions.
1021.3. Amendments to rules.
1021.4. Construction and application of rules.

TIME

- 1021.11. Effective dates of Board adjudications and preliminary orders.
1021.12. Extensions of time.

REPRESENTATION BEFORE THE BOARD

- 1021.21. Representation.
1021.22. Notice of appearance.
1021.23. Withdrawal of appearance.
1021.24. Referral to pro bono counsel.
1021.25. Amicus curiae.

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FILING AND SERVICE OF DOCUMENTS

- 1021.31. Filing.
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SUPERSEDEAS

- 1021.61. General.
1021.62. Contents of petition for supersedeas.
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1021.64. Temporary supersedeas.

SPECIAL ACTIONS

- 1021.71. Complaints filed by the Department.
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CONSOLIDATION, INTERVENTION AND
SUBSTITUTION OF PARTIES

- 1021.81. Intervention.
1021.82. Consolidation.
1021.83. Substitution of parties.

MOTIONS

- 1021.91. General.
1021.92. Procedural motions.
1021.93. Discovery motions.
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PREHEARING PROCEDURES AND
PREHEARING CONFERENCES

- 1021.101. Prehearing procedure.
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1021.103. Subpoenas.
1021.104. Prehearing memorandum.
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1021.106. Voluntary mediation.
1021.107. Authority delegated to hearing examiners.

HEARINGS

- 1021.111. Initiation of hearings.
1021.112. Waiver of hearings.
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- 1021.121. Motions in limine.
1021.122. Burden of proceeding and burden of proof.
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1021.126. Limiting number of witnesses and additional evidence.

POSTHEARING PROCEDURES

- 1021.131. Posthearing briefs.
1021.132. Oral argument after hearing.
1021.133. Reopening of record prior to adjudication.
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TERMINATION OF PROCEEDINGS

- 1021.141. Termination of proceedings.

RECONSIDERATION

- 1021.151. Reconsideration of interlocutory orders.
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SANCTIONS

- 1021.161. Sanctions.

ATTORNEY FEES AND COSTS
AUTHORIZED BY THE COSTS ACT

- 1021.171. Scope.
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1021.173. Response to application.
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ATTORNEY FEES AND COSTS AUTHORIZED
BY STATUTE OTHER THAN THE COSTS ACT

- 1021.181. Scope.
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ATTORNEY FEES AND COSTS
UNDER MORE THAN ONE STATUTE

- 1021.191. Application for counsel fees under more than one statute.

APPELLATE MATTERS

- 1021.201. Composition of the certified record on appeal to Commonwealth Court.

[Subchapter A.] PRELIMINARY PROVISIONS

GENERAL

§ 1021.2. Definitions.

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

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Electronic filing—The electronic transmission of legal documents by means of a computer or device, other than by facsimile transmission, in the format of Word Perfect for Windows or Microsoft Word for Windows or such other format as the Board may permit.

Filing attorney—A registered attorney who files a legal document by means of electronic filing on behalf of a client whom the attorney represents in a proceeding before the Board.

* * * * *

Legal document—A motion, answer or other paper filed in a proceeding before the Board other than a notice of appeal or a complaint that is original process naming a defendant or defendants. A subpoena or a bond or check issued to secure payment of a penalty is not a legal document; the original of the documents excluded from this definition must be filed or served.

* * * * *

Registered attorney—An attorney admitted to practice in this Commonwealth, or other counsel permitted by Board order to represent a party for purposes of a particular proceeding, who has filed an electronic filing registration statement with the Board and to whom the Board has issued a password authorizing filing and service through the Board's website.

Registration statement—A statement made on professional or organizational letterhead requesting the use of the Board's website for electronic filing containing such information as the Board may require.

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TIME

§ [1021.15] 1021.11. Effective dates of Board adjudications and preliminary orders.

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§ [1021.17] 1021.12. Extensions of time.

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REPRESENTATION BEFORE THE BOARD

§ [1021.22] 1021.21. Representation.

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§ [1021.23] 1021.22. Notice of appearance.

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§ 1021.23. Withdrawal of appearance.

(a) An attorney's appearance for a party may be withdrawn without leave of the Board if another attorney has entered or simultaneously enters an appearance for the party and the change of attorneys does not delay any stage of the litigation.

(b) In ruling on a motion for withdrawal of appearance under other circumstances, the Board will consider the following factors: the reasons why withdrawal is requested; any prejudice withdrawal may cause to the litigants; delay in resolution of the case which would result from withdrawal; and the effect of withdrawal on the efficient administration of justice.

(c) In the event withdrawal of counsel will result in an unrepresented party before the Board, counsel seeking to withdraw shall provide the Board with a single contact person for future service in all proceedings.

§ [1021.117] 1021.25. Amicus curiae.

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**[Subchapter B.] DOCUMENTARY FILINGS
FILING AND SERVICE OF DOCUMENTS**

§ [1021.30] 1021.31. Filing.

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(c) Documents may be filed by personal delivery, by mail or by facsimile. Legal documents, as defined in § 1021.2 (relating to definitions), may be filed electronically in accordance with this chapter. When a document is filed by facsimile, the original shall be deposited in the mail on the same day. If a document exceeds ten pages, the facsimile shall consist of the first five pages and last five pages of the document and the certificate of service. [A filing received after the close of the business day at 4:30 p.m. Eastern Time shall be deemed to be filed on the following business day.]

(d) Legal documents may be filed with the Board electronically through the Board's website by a filing attorney unless provided otherwise by Board order. A legal document filed electronically shall be deemed the equivalent of the original document subject to the following conditions:

(1) The electronic filing of a legal document constitutes a certification by the filing attorney that the original hard copy was properly signed and, where applicable, verified.

(2) An executed hard copy of the legal document, with required verifications, shall be maintained by the filing attorney and produced at the request of the Board or any other party within 14 days of the request.

(e) In filing legal documents electronically, a filing attorney shall be responsible for the following:

(1) An objective description of the legal document consistent with the title placed on the legal document as required by the Board's website.

(2) Any delay, disruption or interruption of the electronic signals and readability of the legal document.

(3) Any risk that a legal document may not be properly or timely filed with the Board.

(f) Hard copy of any electronically filed legal document which exceeds 50 pages in length must also be filed with the Board in accordance with subsections (a) and (c) and § 1021.36 (relating to number of copies). Exhibits to legal documents may be filed and served either electronically or by hard copy in accordance with the sections in this chapter relating to filing and service. If these requirements are met by hard copy of exhibits, they must be sent to the Board by mail or express delivery and, in the case of requests for expedited disposition, service shall mean actual receipt by the opposing party as required by § 1021.33(b) (relating to service by a party).

(g) Documents filed by United States mail, hand or other delivery services after the close of the business day at 4:30 p.m. Eastern Time shall be deemed to be filed on the following business day. Documents filed electronically, including by facsimile, shall be deemed filed on the day received by the Board.

§ [1021.31] 1021.32. Service by the Board.

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§ [1021.32] 1021.33. Service by a party.

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(c) Service of legal documents may be made electronically on a registered attorney by any other registered attorney. The filing of a registration statement constitutes a certification that the registered attorney will accept electronic service of any legal document from any other registered attorney. A registered attorney may withdraw his registration statement for purposes of a specific case if he chooses not to receive electronic service in that case by filing an amendment to the filing party's registration statement.

(d) Subsections (a) [and (b)]—(c) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

§ [1021.33] 1021.34. Date of service.

(a) The date of service shall be the date the document served is mailed, [or] delivered in person or transmitted electronically. When service of the document, or hard copy of exhibits to a legal document filed electronically, is by mail, 3 days shall be added to the time required by this chapter for responding to the document.

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§ [1021.34] 1021.35. Certificate of service.

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§ [1021.35] 1021.36. Number of copies.

(a) [Unless] Except in the case of electronically filed documents, including exhibits, and unless otherwise ordered by the Board, the following number of copies shall be filed with the Board:

(1) [Dispositive motions and post-hearing briefs—three copies.] One original and two copies of each of the following:

- (i) Notices of appeal.
- (ii) Complaints.
- (iii) Answers.
- (iv) Posthearing briefs.
- (v) Dispositive motions and related memoranda, responses and replies.

(2) [Prehearing memoranda, petitions for supersedeas and all motions, other than motions for stays, extensions and continuances of procedural deadlines—two copies.] One original and one copy of each of the following:

- (i) Petitions for supersedeas and any related responses.
- (ii) Prehearing memoranda.

(iii) Nondispositive motions and petitions (other than motions for stays, extensions and continuances of procedural deadlines), and related memoranda, responses and replies.

(3) [Other documents—one copy.] One original of other documents.

(b) One copy of [briefs and other] all documents submitted to the Board shall be served on the other parties to the proceeding.

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§ [1021.36] 1021.37. Publication of notice.

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[DOCKET]

§ [1021.41] 1021.38. Docket.

(a) The Board will maintain a docket of proceedings and a proceeding as initiated shall be assigned an appropriate designation. The Board will maintain the docket on its website available to all members of the public and will accept filings of legal documents by electronic transmission from registered attorneys.

(b) The docket will register the date of all filings as well as the time of the filing if the filing is made electronically. When a document is filed electronically, the Board will transmit electronically a status message to all registered attorneys in the proceeding when the document is filed.

(c) The Board will maintain a complete official file on all proceedings consisting of both electronic and hard copy filings. The official copy of an electronically filed document or Board order shall be that appearing on the Board's website.

[(c)] (d) The [docket and the] electronic docket will be available on the Board's website and the hard copy portion of the official file shall be available for inspection and copying by the public during the office hours of the Board insofar as consistent with the proper discharge of the duties of the Board.

[(d)] (e) Subsections (a)—[(c)] (d) supersede 1 Pa. Code § 33.51 (relating to docket).

[Subchapter C.] FORMAL PROCEEDINGS
APPEALS

§ [1021.161] 1021.54. Prepayment of penalties.

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§ [1021.162] 1021.55. Hearing on inability to prepay penalty.

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SUPERSEDEAS

§ [1021.76] 1021.61. General.

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§ [1021.77] 1021.62. Contents of petition for supersedeas.

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§ [1021.78] 1021.63. Circumstances affecting grant or denial.

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§ [1021.79] 1021.64. Temporary supersedeas.

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SPECIAL ACTIONS

§ [1021.56] 1021.71. Complaints filed by the Department.
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§ [1021.57] 1021.72. Answers to complaints filed by the Department.
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§ [1021.58] 1021.73. Procedure after an answer is filed.
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CONSOLIDATION, INTERVENTION AND SUBSTITUTION OF PARTIES

§ [1021.62] 1021.81. Intervention.
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§ [1021.80] 1021.82. Consolidation.
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§ [1021.54] 1021.83. Substitution of parties.
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MOTIONS

§ [1021.70] 1021.91. General.
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(b) Motions and responses shall be in writing, [and be] signed by a party or its attorney and shall be accompanied by a proposed order.
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§ [1021.71] 1021.92. Procedural motions.
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(e) Requests for extensions or continuances, whether in letter or motion form, shall [contain a specific date for the extension or continuance] be accompanied by a proposed order.
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§ [1021.72] 1021.93. Discovery motions.
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§ [1021.73] 1021.94. Dispositive motions.
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§ [1021.74] 1021.95. Miscellaneous motions.
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PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ [1021.81] 1021.101. Prehearing procedure.
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§ [1021.111] 1021.102. Discovery.
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(e) Subsections (a)—(d) [supplement] supersede 1 Pa. Code §§ 35.145—35.152 (relating to depositions).

§ [1021.114] 1021.103. Subpoenas.
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§ [1021.82] 1021.104. Prehearing memorandum.
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§ [1021.83] 1021.105. Prehearing conferences.
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§ [1021.84] 1021.106. Voluntary mediation.
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§ [1021.99] 1021.107. Authority delegated to hearing examiners.
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HEARINGS

§ [1021.85] 1021.111. Initiation of hearings.
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§ [1021.94] 1021.112. Waiver of hearings.
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§ [1021.87] 1021.113. Continuance of hearings.
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§ [1021.96] 1021.114. Venue of hearings.
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§ [1021.98] 1021.115. View of premises.
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§ [1021.86] 1021.116. Conduct of hearings.
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§ [1021.89] 1021.117. Presentation by the parties.
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§ [1021.104] 1021.118. Transcript.
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EVIDENCE

§ [1021.88] 1021.121. Motions in limine.
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§ [1021.101] 1021.122. Burden of proceeding and burden of proof.
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§ [1021.107] 1021.123. Evidence.
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§ [1021.108] 1021.124. Written testimony.
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§ [1021.109] 1021.125. Official notice of facts.
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§ [1021.90] 1021.126. Limiting number of witnesses and additional evidence.
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POSTHEARING PROCEDURES

§ [1021.116] 1021.131. Posthearing briefs.
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§ [1021.92] 1021.132. Oral argument after hearing.
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§ [1021.122] 1021.133. Reopening of record prior to adjudication.
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§ [1021.118] 1021.134. Adjudications.

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TERMINATION OF PROCEEDINGS

§ [1021.120] 1021.141. Termination of proceedings.

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RECONSIDERATION

§ [1021.123] 1021.151. Reconsideration of interlocutory orders.

(a) A petition for reconsideration of an interlocutory order or ruling shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify consideration of the matter by the Board. **A party may file a memorandum of law at the time the motion or response is filed.**

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§ [1021.124] 1021.152. Reconsideration of final orders.

(a) A petition for reconsideration of a final order shall be filed within 10 days of the date of the final order. **A party may file a memorandum of law at the time the motion or response is filed.** Reconsideration is within the discretion of the Board and will be granted only for compelling and persuasive reasons. These reasons may include the following:

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SANCTIONS

§ [1021.125] 1021.161. Sanctions.

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ATTORNEY FEES AND COSTS AUTHORIZED BY THE COSTS ACT

§ [1021.131] 1021.171. Scope.

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§ [1021.132] 1021.172. Application for fees and expenses.

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§ [1021.133] 1021.173. Response to application.

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§ [1021.134] 1021.174. Disposition of application.

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ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE OTHER THAN THE COSTS ACT

§ [1021.141] 1021.181. Scope.

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§ [1021.142] 1021.182. Application for costs and fees.

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§ [1021.143] 1021.183. Response to application.

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§ [1021.144] 1021.184. Disposition of application.

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ATTORNEY FEES AND COSTS UNDER MORE THAN ONE STATUTE

§ [1021.151] 1021.191. Application for counsel fees under more than one statute.

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APPELLATE MATTERS

§ [1021.171] 1021.201. Composition of the [**Certified Record on Appeal**] **certified record on appeal** to Commonwealth Court.

(a) Unless the parties file a stipulation with the Board providing otherwise, within 20 days of the filing of the petition for review, the Board shall certify the record in accordance with [**Pa.R.C.P.**] **Pa.R.A.P.** 1951 (relating to record below in proceedings on petition for review) and the record shall consist of:

* * * * *

[Pa.B. Doc. No. 01-2012. Filed for public inspection November 9, 2001, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 130]

Consumer Products

The Environmental Quality Board (Board) proposes to establish Subchapter B (relating to consumer products) in Chapter 130 (relating to standards for products) to read as set forth in Annex A.

The proposed regulations add definitions for terms that are used for the substantive sections of Chapter 130. Section 130.201 (relating to applicability) will apply to any person who sells, supplies, offers for sale or manufacturers consumer products for use in this Commonwealth. Sections 130.211—130.464 establish, among other things, standards and exemptions for products.

This notice is given under Board order at its meeting of September 18, 2001.

A. Effective Date

The proposed regulations will be effective upon publication in the *Pennsylvania Bulletin* as final-form rule-making.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663; or Bo Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

C. Statutory Authority

The proposed regulations are being made under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005) which grants the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background and Purpose

When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The United States Environmental Protection Agency (EPA) has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in an activity that involves physical exertion. Though symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of additional measures to address the ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of the proposed regulations is to reduce the volatile organic compounds (VOC) emitted from consumer products. The proposed regulations are part of the Commonwealth's strategy to achieve and maintain the ozone standard throughout this Commonwealth. The proposed regulations expand upon the Federal consumer products rule, which became effective in December 1998. The Federal rule regulates 24 product categories representing 48% of the consumer products inventory Nationally and reduces VOC emissions from that inventory by 20%. To capture additional emission reductions from these products, the Commonwealth is proposing to adopt these regulations. The Commonwealth has used the California Air Resources Board (CARB) regulations and the Ozone Transport Commission model rule and background material as a starting point and reviewed those documents, including specific emission reductions, for applicability in this Commonwealth. As a result, the proposed regulations include most, if not all, of the product categories covered in California, with limits effective at a later date than California. To maximize consistency, emission limits for specific product categories are identical to those used in California.

The proposed rulemaking regulates 45 consumer product categories and approximately 80 different types of products, and requires more stringent VOC content limits than the Federal rule. Some of the limits are currently in effect in California and are known to be technologically feasible. Other limits in California have future effective dates. The proposed compliance date for the Commonwealth limits is January 1, 2005. Manufacturers would ensure compliance with the limits by reformulating products and substituting products with compliant products that are already on the market.

Manufacturers producing consumer products would be responsible for developing and distributing compliant products for sale at the retail and wholesale levels. In addition, any person who sells, supplies or offers for sale consumer products would also be held accountable. Consumers would not be affected by this rule in that they should not notice any changes in product performance or quality, and cost increases per consumer for these products will be negligible.

If compliance with the VOC contents becomes problematic, flexibility options are provided for in the proposed regulations. These options include an innovative product exemption, variances, exemptions and alternative control plan.

The proposed regulations contain requirements for charcoal lighter materials, aerosol adhesives, floor wax

strippers and automotive windshield washer fluids. They also contain administrative requirements for labeling and reporting. There is a reporting requirement so that manufacturers may be required to submit information to the Commonwealth upon request.

A CARB test method would be primarily used to demonstrate compliance. Enforcement with the product VOC content limits and other requirements would be done by the Commonwealth.

Because the Commonwealth, in conjunction with other northeastern states, has met over the past 18 months with representatives of the various National consumer product manufacturers in related industries, and has gathered their support for the proposed regulations, it is important that the proposed regulations be implemented consistently and uniformly as negotiated. Any deviation from the proposed regulations by altering the limits set forth in the regulations may hinder the ability of manufacturers to comply with the regulations.

The Department of Environmental Protection (Department) worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of these proposed regulations. At its May 24, 2001, meeting, AQTAC recommended adoption of the proposed regulations. In addition, AQTAC recommended that the Department continue aggressive efforts with other states to support National standards for these products.

E. Summary of Regulatory Requirements

Subchapter B includes the following definitions of terms that will be used in the substantive provisions of the proposed regulations. The definitions include: "ACP—Alternative Control Plan," "ACP agreement," "ACP emissions," "ACP limit," "ACP product," "ACP reformulation or ACP reformulated," "ACP standard," "ACP VOC standard," "ASTM," "adhesive," "adhesive remover," "aerosol adhesive," "aerosol cooking spray," "aerosol product," "agricultural use," "air freshener," "all other carbon-containing compounds," "all other forms," "antimicrobial hand or body cleaner or soap," "antiperspirant," "architectural coating," "astringent/toner," "automotive brake cleaner," "automotive hard paste wax," "automotive instant detailer," "automotive rubbing or polishing compound," "automotive wax, polish, sealant or glaze," "automotive windshield washer fluid," "bathroom and tile cleaner," "bug and tar remover," "carburetor or fuel-injection air intake cleaners," "carpet and upholstery cleaner," "charcoal lighter material," "colorant," "compliance period," "construction, panel and floor covering adhesive," "consumer," "consumer product," "contact adhesive," "container/packaging," "contact person," "crawling bug insecticide," "date-code," "deodorant," "device," "disinfectant," "distributor," "double-phase aerosol air freshener," "dry cleaning fluid," "dusting aid," "electronic cleaner," "enforceable sales," "enforceable sales record," "engine degreaser," "fabric protectant," "facial cleaner or soap," "fat wood," "flea and tick insecticide," "flexible flooring material," "floor polish or wax," "floor seam sealer," "floor wax stripper," "flying bug insecticide," "fragrance," "furniture maintenance product," "furniture coating," "gel," "general purpose adhesive," "general purpose cleaner," "general purpose degreaser," "general-use hand or body cleaner or soap," "glass cleaner," "gross Pennsylvania sales," "HVOC—high volatility organic compound," "hair mousse," "hair shine," "hair styling gel," "hair spray," "heavy-duty hand cleaner or soap," "herbicide," "household product," "insecticide," "insecticide fogger," "institutional product or industrial and institutional (I&I) product," "LVP content," "LVP-VOC," "label," "laundry prewash,"

“laundry starch product,” “lawn and garden insecticide,” “liquid,” “lubricant,” “MVOC—medium volatility organic compound,” “manufacturer,” “medicated astringent/medicated toner,” “metal polish/cleaner,” “missing data days,” “mist spray adhesive,” “multi-purpose dry lubricant,” “multi-purpose lubricant,” “multi-purpose solvent,” “nail polish,” “nail polish remover,” “nonaerosol product,” “noncarbon containing compound,” “nonresilient flooring,” “nonselective terrestrial herbicide,” “one-product business,” “oven cleaner,” “paint,” “paint remover or stripper,” “penetrant,” “pesticide,” “Pennsylvania sales,” “plasticizer,” “pre-ACP VOC content,” “principal display panel or panels,” “product brand name,” “product category,” “product line,” “propellant,” “pump spray,” “reconcile or reconciliation,” “reconciliation of shortfalls plan,” “responsible party,” “responsible ACP party,” “restricted materials,” “retailer,” “retail outlet,” “roll-on product,” “rubber and vinyl protectant,” “rubbing alcohol,” “sealant and caulking compound,” “semisolid,” “shaving cream,” “shortfall,” “silicone-based multi-purpose lubricant,” “single-phase aerosol air freshener,” “solid,” “special purpose spray adhesive,” “spot remover,” “spray buff product,” “stick product,” “structural waterproof adhesive,” “surplus reduction,” “surplus trading,” “TMHE—total maximum historical emissions,” “Table B compound,” “terrestrial,” “tire sealant and inflation,” “Type A propellant,” “Type B propellant,” “Type C propellant,” “undercoating,” “usage directions,” “VOC content,” “wasp and hornet insecticide,” “waterproofing,” “wax,” “web spray adhesive,” “wood floor wax” and “working day.”

Section 130.211 (relating to table of standards) sets forth the percentage of VOC by weight, which cannot be exceeded for consumer products that are sold, supplied, offered for sale or manufactured for sale in this Commonwealth. Sections 130.212—130.216 contain other regulatory requirements that relate specifically to certain products like charcoal lighter materials, aerosol adhesives and products containing ozone depleting compounds. Sections 130.331—130.337 set forth the general exemption requirements for products for shipment and use outside of this Commonwealth and exemptions for specific consumer products like antiperspirants and deodorants, insecticides, fungicides, rodenticides and air fresheners. Sections 130.351 and 130.352 (relating to innovative products exemption; and request for exemption) set forth exemptions for products that are considered innovative in order to advance and encourage new technologies. Sections 130.371—130.373 (relating to code-dating; most restrictive limit; and additional labeling requirements for aerosol adhesives) set forth code-dating and additional labeling requirements for consumer products that are subject to this subsection. Sections 130.391 and 130.392 (relating to required reporting of information to Department; and confidentiality) set forth general reporting requirements, special reporting requirements, reporting requirements for ozone depleting compounds and confidentiality requirements. Sections 130.411—130.414 set forth the procedures that a manufacturer may use to apply for and be granted a variance for certain products that would otherwise be subject to regulation. Section 130.431 (relating to testing for compliance) sets forth the test methods that will be used to ensure that the products are in compliance with this subchapter. Sections 130.451—130.464 set forth alternative methods of compliance for consumer products and administrative and other applicable requirements.

The proposed regulations, if approved, will be submitted to the EPA as an amendment to the State Implementation Plan.

F. Benefits and Costs

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulations.

Benefits

Overall, the citizens of this Commonwealth will benefit from these proposed regulations because they will result in improved air quality by reducing ozone precursor emissions and encourage new technologies and practices, which will reduce emissions. The proposed regulations will also result in reduced levels of hazardous air pollutants throughout this Commonwealth. In addition, the proposed regulations will reduce citizen exposure to a variety of solvents, including hazardous air pollutants that are used in a variety of consumer products.

Compliance Costs

Under these proposed regulations, it is estimated that the reduction of VOC content of the affected consumer products will cost approximately \$800 per ton of emissions reduced based on annual emission reductions of approximately 6,000 tons or 1 pound per person. This equates to an estimated annual cost increase of \$4.8 million annually, or 30¢—40¢ per Commonwealth consumer.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community in understanding the newly-revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

Paperwork Requirements

The proposed regulations will not increase the paperwork that is already generated during the normal course of business operations.

G. Sunset Review

The proposed regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the proposed amendments effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2001, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis form prepared by the Department in compliance with Executive Order 1996-1, “Regulatory Review and Promulgation.” A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days following the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed regulations to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of these regulations, by the Department, the General Assembly and the Governor of objections raised.

I. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulations to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 16, 2002. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 16, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by January 16, 2002.

J. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on the proposed regulations. The hearings will be held at 2 p.m. as follows:

December 11, 2001, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

December 13, 2001, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

December 17, 2001, Department of Environmental Protection, Southeast Regional Office, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA.

Persons wishing to present testimony at a hearing are requested to contact Debra Failor, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aide, service or other accommodation in order to participate should contact Debra Failor at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Chairperson

Fiscal Note: 7-370. No fiscal impact; (8) recommends adoption.

(Editor's Note: The following text is new and is printed in regular type to enhance readability.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter B. CONSUMER PRODUCTS

GENERAL PROVISIONS

- Sec.
130.201. Applicability.
130.202. Definitions.

STANDARDS

- 130.211. Table of standards.
130.212. Products diluted prior to use.
130.213. Products registered under FIFRA.
130.214. Requirements for charcoal lighter materials.
130.215. Requirements for aerosol adhesives.
130.216. Requirements for floor wax strippers.

EXEMPTIONS

- 130.331. Products for shipment and use outside this Commonwealth.
130.332. Antiperspirants and deodorants.
130.333. LVP-VOC.
130.334. Insecticides, fungicides and rodenticides.
130.335. Air fresheners.
130.336. Adhesives.
130.337. Bait station insecticides.

INNOVATIVE PRODUCTS

- 130.351. Innovative products exemption.
130.352. Request for exemption.

ADMINISTRATIVE REQUIREMENTS

- 130.371. Code-dating.
130.372. Most restrictive limit.
130.373. Additional labeling requirements for aerosol adhesives.

REPORTING REQUIREMENTS

- 130.391. Required reporting of information to Department.
130.392. Confidentiality.

VARIANCES

- 130.411. Application for variance.
130.412. Variance orders.
130.413. Termination of variance.
130.414. Modification of variance.

TEST METHODS

- 130.431. Testing for compliance.

ACP FOR CONSUMER PRODUCTS

- 130.451. Alternative methods of compliance.
130.452. Exemption.
130.453. Request for exemption.
130.454. Recordkeeping and availability of requested information.
130.455. Surplus reductions and surplus trading.
130.456. Limited-use surplus reduction credits for early reformulations of ACP products.
130.457. Reconciliation of shortfalls.
130.458. Notification of modifications to an ACP by the responsible ACP party.
130.459. Modifications that require Department preapproval.
130.460. Other modifications.
130.461. Modification of an ACP by the Department.
130.462. Cancellation of an ACP.
130.463. Treatment of information.
130.464. Other applicable requirements.

GENERAL PROVISIONS

§ 130.201. Applicability.

Except as provided in §§ 130.331—130.337 (relating to exemptions), this subchapter applies to a person who sells, supplies, offers for sale, or manufactures consumer products on or after January 1, 2005, for use in this Commonwealth.

§ 130.202. Definitions.

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

ACP—Alternative Control Plan—An emissions averaging program approved by the Department under this subchapter.

ACP agreement—The document signed by the Department which includes the conditions and requirements of the ACP, and which allows manufacturers to sell ACP products in this Commonwealth under the requirements of this chapter.

ACP emissions—

(i) The sum of the VOC emissions from every ACP product subject to an ACP Agreement approving an ACP, during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC and calculated according to the following equation:

$$ACP\ Emissions = (Emissions)_1 + (Emissions)_2 + \dots + (Emissions)_N$$

$$Emissions = \frac{(VOC\ Content) \times (Enforceable\ Sales)}{100}$$

where,

(ii) For all products except for charcoal lighter material products:

$$VOC\ Content = \frac{(B - C) \times 100}{A}$$

A = net weight of unit (excluding container and packaging)

B = total weight of all VOCs per unit, as defined in this section

C = total weight of all exempted VOCs per unit, as specified in this section

(iii) For charcoal lighter material products only:

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Certified

Emissions = the emissions level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound CH₂ per start.

Certified

Use Rate = the usage level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

ACP limit—The maximum allowable ACP Emissions during the compliance period specified in an ACP Agreement approving an ACP, expressed to the nearest pound of VOC and calculated according to the following equation:

$$ACP\ Limit = (Limit)_1 + (Limit)_2 + \dots + (Limit)_N$$

where,

$$Limit = \frac{(ACP\ Standard) \times (Enforceable\ Sales)}{100}$$

Enforceable

Sales = the total amount of an ACP product sold for use in the state, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records (expressed to the nearest pound, excluding container and packaging).

ACP

Standard = either the ACP product's Pre-ACP VOC Content, or the applicable VOC standard specified in § 130.211, whichever is less.

Pre-ACP VOC

Content = the lowest VOC content which the ACP product had between January 1, 1990, and the date on which the application for a proposed ACP is submitted to the Commonwealth, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the Department, whichever yields the lowest VOC content for the product.

1,2,...N = each product in an ACP up to the maximum N.

ACP product—A consumer product subject to the VOC standards specified in § 130.211 (relating to table of standards), except those products that have been exempted under §§ 130.331—130.337 (relating to exemptions), or exempted as innovative products under §§ 130.351—130.352 (relating to innovative products).

ACP reformulation or ACP reformulated—The process of reducing the VOC content of an ACP product, within the period that an ACP is in effect, to a level which is less than the current VOC content of the product.

ACP standard—The Pre-ACP VOC content of an ACP product or the applicable VOC standard specified in § 130.211, whichever is less.

ACP VOC standard—The maximum allowable VOC content for an ACP product, determined as follows:

(i) The applicable VOC Standard specified in § 130.211, for all ACP products except for charcoal lighter material.

(ii) For charcoal lighter material products only, the VOC Standard for the purposes of this section shall be calculated according to the following equation:

$$VOC\ Standard = \frac{(0.020\ pound\ CH_2\ per\ start \times 100)}{Certified\ Use\ Rate}$$

where,

0.020 = the certification emissions level for the Department-approved product, as specified in § 130.214.

Certified

Use Rate = the usage level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

ASTM—The American Society for Testing and Materials.

Adhesive—A product that is used to bond one surface to another by attachment. The term does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or other product with an adhesive incorporated onto or in an inert substrate. The term does not include aerosol adhesives or units of product, less packaging, which consist of more than 1 gallon of the following materials:

- (i) Contact adhesive.
- (ii) Construction, panel and floor covering adhesive.
- (iii) General purpose adhesive.

Adhesive remover—A product designed exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.

Aerosol adhesive—An aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.

Aerosol cooking spray—An aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

Aerosol product—A pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force. The term does not include pump sprays.

Agricultural use—The use of a pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of an animal or plant crop. The term does not include the sale or use of pesticides in properly labeled packages or containers which are intended for the following uses:

- (i) *Home use*. Use in a household or its immediate environment.
- (ii) *Structural pest control*. A use requiring a license under the applicable state pesticide licensing requirement.
- (iii) *Industrial use*. Use in a manufacturing, mining or chemical process or use in the operation of factories, processing plants and similar sites.
- (iv) *Institutional use*. Use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums and office complexes.

Air freshener—A consumer product, including sprays, wicks, powders and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting or deodorizing the air.

- (i) The term does not include:
 - (A) Products that are used on the human body.
 - (B) Products that function primarily as cleaning products.

(C) Disinfectant products claiming to deodorize by killing germs on surfaces.

(D) Institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution.

(ii) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.

(iii) To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) does not constitute a claim of air freshening.

All other carbon-containing compounds—Compounds which contain at least one carbon atom and are not a "Table B" compound or a "LVP-VOC."

All other forms—Consumer product forms for which no form-specific VOC standard is specified in §§ 130.211—130.216. Unless specified otherwise by the applicable VOC standard, the term includes solids, liquids, wicks, powders, crystals and cloth or paper wipes (towelettes).

Antimicrobial hand or body cleaner or soap—

(i) A cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity. The term includes the following:

- (A) Antimicrobial hand or body washes/cleaners.
- (B) Foodhandler hand washes.
- (C) Healthcare personnel hand washes.
- (D) Preoperative skin preparations.
- (E) Surgical scrubs.

(ii) The term does not include the following:

- (A) Prescription drug products.
- (B) Antiperspirants.
- (C) Astringent/toner.
- (D) Deodorant.
- (E) Facial cleaner or soap.
- (F) General-use hand or body cleaner or soap.
- (G) Hand dishwashing detergent, including antimicrobial.
- (H) Heavy-duty hand cleaner or soap.
- (I) Medicated astringent/medicated toner.
- (J) Rubbing alcohol.

Antiperspirant—A product, including aerosols, roll-ons, sticks, pumps, pads, creams and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20% in at least 50% of a target population.

Architectural coating—A coating applied to stationary structures and their appurtenances, to mobile homes, to pavements or to curbs.

Astringent/toner—A product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or

tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include:

- (i) Hand, face or body cleaner or soap products.
- (ii) Medicated astringent/medicated toner.
- (iii) Cold cream.
- (iv) Lotion.
- (v) Antiperspirant.

Automotive brake cleaner—A cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

Automotive hard paste wax—An automotive wax or polish which is:

- (i) Designed to protect and improve the appearance of automotive paint surfaces.
- (ii) A solid at room temperature.
- (iii) 0% water by formulation.

Automotive instant detailer—A product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

Automotive rubbing or polishing compound—A product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

Automotive wax, polish, sealant or glaze—A product designed to seal out moisture, increase gloss or otherwise enhance a motor vehicle's painted surfaces.

- (i) The term includes products designed for:
 - (A) Use in autobody repair shops and drive-through car washes.
 - (B) Use by the general public.
- (ii) The term does not include:
 - (A) Automotive rubbing or polishing compounds.
 - (B) Automotive wash and wax products.
 - (C) Surfactant-containing car wash products.
 - (D) Products designed for use on unpainted surfaces such as bare metal, chrome, glass or plastic.

Automotive windshield washer fluid—A liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing or wetting the windshield. The term does not include fluids placed by the manufacturer in a new vehicle.

Bathroom and tile cleaner—A product designed to clean tile or surfaces in bathrooms. The term does not include products specifically designed to clean toilet bowls or toilet tanks.

Bug and tar remover—A product designed to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

- (i) Biological-type residues such as insect carcasses and tree sap.
- (ii) Road grime, such as road tar, roadway paint markings and asphalt.

Carburetor or fuel-injection air intake cleaners—A product designed to remove fuel deposits, dirt or other contaminants from a carburetor, choke, throttle body of a

fuel-injection system or associated linkages. The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

Carpet and upholstery cleaner—A cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting and the interior of motor vehicles or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics.

(i) The term includes, but is not limited to, products that make fabric protectant claims.

(ii) The term does not include:

(A) General purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids.

(B) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

Charcoal lighter material—A combustible material designed to be applied on, incorporated in, added to or used with charcoal to enhance ignition. The term does not include the following:

- (i) Electrical starters and probes.
- (ii) Metallic cylinders using paper tinder.
- (iii) Natural gas.
- (iv) Propane.
- (v) Fat wood.

Colorant—A pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

Compliance period—The period of time, not to exceed 1 year, for which the ACP Limit and ACP Emissions are calculated and for which compliance with the ACP Limit is determined, as specified in the ACP agreement approving an ACP.

Construction, panel and floor covering adhesive—

(i) A one-component adhesive that is designed exclusively for the installation, remodeling, maintenance or repair of:

(A) Structural and building components that include, but are not limited to, the following:

- (I) Beams.
- (II) Trusses.
- (III) Studs
- (IV) Paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, predecorated hardboard or tileboard, and the like).

(V) Ceiling and acoustical tile.

(VI) Molding, fixtures, countertops or countertop laminates, cove or wall bases and flooring or subflooring.

(B) Floor or wall coverings that include, but are not limited to, the following:

- (I) Wood or simulated wood covering.
- (II) Carpet, carpet pad or cushion, vinyl-backed carpet.
- (III) Flexible flooring material.
- (IV) Nonresilient flooring material.
- (V) Mirror tiles and other types of tiles.
- (VI) Artificial grass.

(ii) The term does not include floor seam sealer.

Consumer—A person who purchases or acquires a consumer product for personal, family, household or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.

Consumer product—

(i) A chemically formulated product used by household and institutional consumers including:

- (A) Detergents.
- (B) Cleaning compounds.
- (C) Polishes.
- (D) Floor finishes.
- (E) Cosmetics.
- (F) Personal care products.
- (G) Home, lawn and garden products.
- (H) Disinfectants.
- (I) Sanitizers.
- (J) Aerosol paints.
- (K) Automotive specialty products.

(ii) The term does not include other paint products, furniture coatings or architectural coatings.

Contact adhesive—

(i) An adhesive that:

(A) Is designed for application to both surfaces to be bonded together.

(B) Is allowed to dry before the two surfaces are placed in contact with each other.

(C) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other.

(D) Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(ii) The term does not include rubber cements that are primarily intended for use on paper substrates.

Container/packaging—The parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. The term includes an article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

Contact person—A representative that has been designated by the responsible ACP party for the purpose of reporting or maintaining information specified in the ACP agreement approving an ACP.

Crawling bug insecticide—An insecticide product that is designed for use against ants, cockroaches or other household crawling arthropods, including mites, silverfish or spiders. The term does not include products designed to be used exclusively on humans or animals, or house dust mite product. For the purposes of this definition only:

(i) *House dust mite*. Mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum

Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata and the family Pyroglyphidae.

(ii) *House dust mite product*. A product whose label, packaging or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches or other household crawling arthropods.

Date-code—The day, month and year on which the consumer product was manufactured, filled or packaged, or a code indicating such a date.

Deodorant—A product, including aerosols, roll-ons, sticks, pumps, pads, creams and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration.

Device—An instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling or mitigating a pest or other form of plant or animal life (other than man and other than bacteria, virus or other microorganism on or in living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

Disinfectant—

(i) A product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

(ii) The term does not include the following:

(A) Products designed solely for use on human or animals.

(B) Products designed for agricultural use.

(C) Products designed solely for use in swimming pools, therapeutic tubs or hot tubs.

(D) Products which, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners or metal polishes.

Distributor—A person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include manufacturers, retailers and consumers.

Double-phase aerosol air freshener—An aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

Dry cleaning fluid—

(i) A nonaqueous liquid product designed and labeled exclusively for use on:

(A) Fabrics which are labeled “for dry clean only,” such as clothing or drapery.

(B) “S-coded” fabrics.

(ii) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer’s residence or work place.

(iii) The term does not include spot remover or carpet and upholstery cleaner.

(iv) For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

Dusting aid—A product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include products that consist entirely of compressed gases for use in electronic or other specialty areas.

Electronic cleaner—A product designed specifically for the removal of dirt, grease or grime from electrical equipment such as electric motors, circuit boards, electricity panels and generators.

Enforceable sales—The total amount of an ACP product sold for use in this Commonwealth during the applicable compliance period specified in the ACP agreement approving an ACP, as determined through enforceable sales records (expressed to the nearest pound, excluding product container and packaging).

Enforceable sales record—A written, point-of-sale record or other Department-approved system of documentation from which the mass, in pounds (less product container and packaging), of an ACP product sold to the end user in this Commonwealth during the applicable compliance period can be accurately documented. For the purposes of this subchapter, the term includes, but is not limited to, the following types of records:

(i) Accurate records of direct retail or other outlet sales to the end user during the applicable compliance period.

(ii) Accurate compilations, made by independent market surveying services, of direct retail or other outlet sales to the end users for the applicable compliance period, provided that a detailed method which can be used to verify data comprising the summaries is submitted by the responsible ACP party and approved by the Department.

(iii) Other accurate product sales records approved by the Department as meeting the criteria specified in this definition.

Engine degreaser—A cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

Fabric protectant—A product designed to be applied to fabric substrates to protect the surface from soiling by dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include waterproofers, products designed for use solely on leather or products designed for use solely on fabrics which are labeled "dry clean only" and sold in containers of 10 fluid ounces or less.

Facial cleaner or soap—A cleaner or soap designed primarily to clean the face. The term includes, but is not limited to, facial cleansing creams, gels, liquids, lotions and substrate-impregnated forms. The term does not include:

- (i) Prescription drug products.
- (ii) Antimicrobial hand or body cleaner or soap.
- (iii) Astringent/toner.
- (iv) General-use hand or body cleaner or soap.
- (v) Medicated astringent/medicated toner.
- (vi) Rubbing alcohol.

Fat wood—Pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. The term does not include kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Flea and tick insecticide—An insecticide product that is designed for use against fleas, ticks, their larvae or their eggs. The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

Flexible flooring material—Asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

Floor polish or wax—A wax, polish or other product designed to polish, protect or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include:

- (i) Spray buff products.
- (ii) Products designed solely for the purpose of cleaning floors.
- (iii) Floor finish strippers.
- (iv) Products designed for unfinished wood floors.
- (v) Coatings subject to architectural coatings regulations.

Floor seam sealer—A product designed and labeled exclusively for bonding, fusing or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

Floor wax stripper—A product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

Flying bug insecticide—An insecticide product that is designed for use against flying insects or other flying arthropods, including mosquitoes, moths or gnats. The term does not include:

- (i) Wasp and hornet insecticide.
- (ii) Products that are designed to be used exclusively on humans or animals.

(iii) A moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

Fragrance—A substance or complex mixture of aroma chemicals, natural essential oils and other functional components, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

Furniture maintenance product—A wax, polish, conditioner or other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. The term does not include dusting aids, products designed solely for the purpose of cleaning and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

Furniture coating—A paint designed for application to room furnishings, including cabinets (kitchen, bath and vanity), tables, chairs, beds and sofas.

Gel—A colloid in which the dispersed phase has combined with the continuous phase to produce a semisolid material, such as jelly.

General purpose adhesive—A nonaerosol adhesive designed for use on a variety of substrates. The term does not include:

- (i) Contact adhesives.
- (ii) Construction, panel and floor covering adhesives.
- (iii) Adhesives designed exclusively for application on one specific category of substrates (that is, substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers or vinyls).
- (iv) Adhesives designed exclusively for use on one specific category of articles (that is, articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping or carpets).

General purpose cleaner—A product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning and cleaners designed to be used on a variety of hard surfaces and does not include general purpose degreasers and electronic cleaners.

General purpose degreaser—

(i) A product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.

(ii) The term does not include engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, metal polish/cleanser, products used exclusively in solvent cleaning tanks or related equipment, or products that are:

- (A) Sold exclusively to establishments that manufacture or construct goods or commodities.
- (B) Labeled "not for retail sale."
- (iii) Solvent cleaning tanks or related equipment including, but is not limited to:
 - (A) Cold cleaners.
 - (B) Vapor degreasers.
 - (C) Conveyorized degreasers.
 - (D) Film cleaning machines.
 - (E) Products designed to clean miscellaneous metallic parts by immersion in a container.

General-use hand or body cleaner or soap—A cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils.

(i) The term includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels and moisturizing cleaners or soaps.

- (ii) The term does not include:
 - (A) Prescription drug products.
 - (B) Antimicrobial hand or body cleaner or soap.
 - (C) Astringent/toner.
 - (D) Facial cleaner or soap.
 - (E) Hand dishwashing detergent, including antimicrobial.
 - (F) Heavy-duty hand cleaner or soap.
 - (G) Medicated astringent/medicated toner.
 - (H) Rubbing alcohol.

Glass cleaner—A cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

Gross Pennsylvania sales—The estimated total sales in this Commonwealth of an ACP product during a specific compliance period (expressed to the nearest pound), based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the Department will provide an accurate Pennsylvania sales estimate:

(i) Apportionment of National or regional sales of the ACP product to Pennsylvania sales, determined by multiplying the average National or regional sales of the product by the fraction of the National or regional population, respectively, that is represented by this Commonwealth's current population.

(ii) Another documented method which provides an accurate estimate of the total current Pennsylvania sales of the ACP product.

HVOC—High volatility organic compound—A volatile organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

Hair mousse—A hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair shine—A product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include:

- (i) Hair spray.
- (ii) Hair mousse.
- (iii) Hair styling gel or spray gel.
- (iv) Products whose primary purpose is to condition or hold the hair.

Hair styling gel—A high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

Hair spray—A consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

Heavy-duty hand cleaner or soap—A product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt or adhesives from the hand with or without the use of water. The term does not include:

- (i) Prescription drug products.
- (ii) Antimicrobial hand or body cleaner or soap.
- (iii) Astringent/toner.
- (iv) Facial cleaner or soap.
- (v) General-use hand or body cleaner or soap.
- (vi) Medicated astringent/medicated toner.
- (vii) Rubbing alcohol.

Herbicide—A pesticide product designed to kill or retard a plant's growth, but excludes products that are:

- (i) For agricultural use.
- (ii) Restricted materials that require a permit for use and possession.

Household product—A consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

Insecticide—A pesticide product that is designed for use against insects or other arthropods, but excluding products that are:

- (i) For agricultural use.
- (ii) For a use which requires a structural pest control license under applicable laws or regulations of the Commonwealth.
- (iii) Restricted materials that require a permit for use and possession.

Insecticide fogger—An insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

Institutional product or industrial and institutional (I&I) product—

(i) A consumer product that is designed for use in the maintenance or operation of an establishment that:

- (A) Manufactures, transports or sells goods or commodities, or provides services for profit.
- (B) Is engaged in the nonprofit promotion of a particular public, educational or charitable cause.

(ii) Establishments include, but are not limited to, the following:

- (A) Government agencies.
- (B) Factories.
- (C) Schools.
- (D) Hospitals.
- (E) Sanitariums.
- (F) Prisons
- (G) Restaurants.
- (H) Hotels.
- (I) Stores.
- (J) Automobile service and parts centers.
- (K) Health clubs.
- (L) Theaters.
- (M) Transportation companies.

(iii) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Lower vapor pressure (LVP) content—The total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

Lower vapor pressure (LVP)-VOC—

(i) A chemical compound or mixture that contains at least one carbon atom and meets one of the following:

(A) Has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310.

(B) Is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms, and the vapor pressure is unknown.

(C) Is a chemical compound with a boiling point greater than 216°C, as determined by CARB Method 310.

(D) Is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310.

(ii) For the purposes of this definition, chemical compound means a molecule of definite chemical formula and isomeric structure, and chemical mixture means a substance comprised of two or more chemical compounds.

Label—Written, printed or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on or appearing upon a consumer product or consumer product package, for purposes of branding, identifying or giving information with respect to the product or to the contents of the package.

Laundry prewash—A product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

Laundry starch product—A product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and which may also act to help ease ironing of the fabric. The term includes, but is not limited to, fabric finish, sizing and starch.

Lawn and garden insecticide—An insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

Liquid—A substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90. The term does not include powders or other materials that are composed entirely of solid particles.

Lubricant—A product designed to reduce friction, heat, noise or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. The term does not include:

- (i) Automotive power steering fluids.
- (ii) Products for use inside power generating motors, engines and turbines, and their associated power-transfer gearboxes.
- (iii) Two cycle oils or other products designed to be added to fuels.
- (iv) Products for use on the human body or animals.
- (v) Products that are sold exclusively to establishments which manufacture or construct goods or commodities, and are labeled "not for retail sale."

MVOC—Medium volatility organic compound—A VOC that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

Manufacturer—A person who imports, manufactures, assembles, produces, packages, repackages or relabels a consumer product.

Medicated astringent/medicated toner—A product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores. The term

includes, but is not limited to, clarifiers and substrate-impregnated products. The term does not include:

- (i) Hand, face or body cleaner or soap products.
- (ii) Astringent/toner.
- (iii) Cold cream.
- (iv) Lotion.
- (v) Antiperspirants.
- (vi) Products that must be purchased with a doctor's prescription.

Metal polish/cleanser—A product designed primarily to improve the appearance of finished metal, metallic or metallized surfaces by physical or chemical action by removing or reducing stains, impurities or oxidation from surfaces or by making surfaces smooth and shiny. The term includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. The term does not include:

- (i) Automotive wax.
- (ii) Polish, sealant or glaze.
- (iii) Wheel cleaner.
- (iv) Paint remover or stripper.
- (v) Products designed and labeled exclusively for automotive and marine detailing.
- (vi) Products designed for use in degreasing tanks.

Missing data days—The number of days in a compliance period for which the responsible ACP party has failed to provide the required enforceable sales or VOC content data to the Department, as specified in the ACP Agreement approving an ACP.

Mist spray adhesive—An aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

Multipurpose dry lubricant—A lubricant which is:

- (i) Designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly) or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces.
- (ii) Designed for general purpose lubrication or for use in a wide variety of applications.

Multipurpose lubricant—A lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include:

- (i) Multipurpose dry lubricants.
- (ii) Penetrants.
- (iii) Silicone-based multi-purpose lubricants.

Multipurpose solvent—An organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. The term does not include solvents used in:

- (i) Cold cleaners.
- (ii) Vapor degreasers.
- (iii) Conveyorized degreasers.
- (iv) Film cleaning machines.

(v) Solvents that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Nail polish—A clear or colored coating designed for application to the fingernails or toenails and including lacquers, enamels, acrylics, base coats and top coats.

Nail polish remover—A product designed to remove nail polish and coatings from fingernails or toenails.

Nonaerosol product—A consumer product that is not dispensed by a pressurized spray system.

Noncarbon containing compound—A compound that does not contain carbon atoms.

Nonresilient flooring—Flooring of a mineral content that is not flexible, including:

- (i) Terrazzo.
- (ii) Marble.
- (iii) Slate.
- (iv) Granite.
- (v) Brick.
- (vi) Stone.
- (vii) Ceramic tile.
- (viii) Concrete.

Nonselective terrestrial herbicide—A terrestrial herbicide product that is toxic to plants without regard to species.

One-product business—A responsible ACP party which sells, supplies, offers for sale or manufactures for use in this Commonwealth:

(i) Only one distinct ACP product, sold under one product brand name, which is subject to the requirements of §§ 130.211—130.216 (relating to standards).

(ii) Only one distinct ACP product line subject to the requirements of §§ 130.211—130.216, in which all the ACP products belong to the same product category and the VOC contents in the products are within 98.0% and 102.0% of the arithmetic mean of the VOC contents over the entire product line.

Oven cleaner—A cleaning product designed to clean and to remove dried food deposits from oven walls.

Paint—A pigmented liquid or liquefiable or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

Paint remover or stripper—A product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include:

- (i) Multipurpose solvents.
- (ii) Paint brush cleaners.
- (iii) Products designed and labeled exclusively to remove graffiti.
- (iv) Hand cleaner products that claim to remove paints and other related coatings from skin.

Penetrant—A lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation or other causes. The term does not

include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

Pesticide—A substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling or mitigating a pest, or a substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator. The term does not include a substance, mixture of substances or device which the EPA does not consider to be a pesticide.

Pennsylvania sales—The sales (net pounds of product, less packaging and container, per year) in this Commonwealth for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, a consecutive 12 month period commencing no earlier than 2 years prior to the due date of the registration. If direct sales data for this Commonwealth is not available, sales may be estimated by prorating National or regional sales data by population.

Plasticizer—A material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability or distensibility, and may be determined by using ASTM Method E260-91 or from product formulation data.

Pre-ACP VOC Content—The lowest VOC content of an ACP product between January 1, 1990, and the date on which the application for a proposed ACP is submitted to the Department based on either the data on the product obtained from the March 12, 1991, CARB Consumer Products Survey or other accurate records available to the Department, whichever yields the lowest VOC content for the product.

Principal display panel or panels—The parts of a label that is so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all of the principal display panels.

Product brand name—The name of the product exactly as it appears on the principal display panel of the product.

Product category—The applicable category that best describes the product as listed in this section.

Product line—A group of products of identical form and function belonging to the same product category.

Propellant—A liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from the same self-pressurized container or from a separate container.

Pump spray—A packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

Reconcile or reconciliation—Providing sufficient VOC emission reductions to completely offset shortfalls generated under the ACP during an applicable compliance period.

Reconciliation of shortfalls plan—The plan to be implemented by the responsible ACP party when shortfalls have occurred, as approved by the Department under § 130.458 (relating to notification of modification to an ACP by the responsible ACP party).

Responsible party—The company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was manufactured for or distributed by, as noted on the label.

Responsible ACP party—The company, firm or establishment which is listed on the ACP product's label. If the label lists two or more companies, firms or establishments, the responsible ACP party is the party which the ACP product was manufactured for or distributed by, as noted on the label.

Restricted materials—Pesticides established as restricted materials under applicable laws or regulations of the Commonwealth.

Retailer—A person who sells, supplies or offers consumer products for sale directly to consumers.

Retail outlet—An establishment at which consumer products are sold, supplied or offered for sale directly to consumers.

Roll-on product—An antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

Rubber and vinyl protectant—A product designed to protect, preserve or renew vinyl, rubber and plastic on vehicles, tires, luggage, furniture and household products such as vinyl covers, clothing and accessories. The term does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

Rubbing alcohol—A product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

Sealant and caulking compound—A product with adhesive properties that is designed to fill, seal, waterproof or weatherproof gaps or joints between two surfaces.

(i) The term does not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings.

(ii) The term also does not include units of product, less packaging, which weigh more than 1 pound and consist of more than 16 fluid ounces.

(iii) For the purposes of this definition only.

(A) "Removable caulking compounds" means a compound which temporarily seals windows or doors for 3 to 6 month time intervals.

(B) "Clear/paintable/water resistant caulking compounds" means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

Semisolid—A product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes and greases.

Shaving cream—An aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair.

Shortfall—The ACP Emissions minus the ACP Limit when the ACP Emissions were greater than the ACP Limit during a specified compliance period, expressed to the nearest pound of VOC. The term does not include emissions occurring prior to the date that the ACP agreement approving an ACP is signed by the Department.

Silicone-based multi-purpose lubricant—

(i) A lubricant which is:

(A) Designed and labeled to provide lubricity primarily through the use of silicone compounds, including polydimethylsiloxane.

(B) Designed and labeled for general purpose lubrication, or for use in a wide variety of applications.

(ii) The term does not include products designed and labeled exclusively to release manufactured products from molds.

Single-phase aerosol air freshener—An aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

Solid—A substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90.

Special purpose spray adhesive—

(i) An aerosol adhesive that meets one or more of the following definitions:

(A) *Mounting adhesive*. An aerosol adhesive designed to permanently mount photographs, artwork and other drawn or printed media to a backing (paper, board, cloth, and the like) without causing discoloration to the artwork.

(B) *Flexible vinyl adhesive*. An aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least 5%, by weight, of plasticizer content.

(C) *Polystyrene foam adhesive*. An aerosol adhesive designed to bond polystyrene foam to substrates.

(D) *Automobile headliner adhesive*. An aerosol adhesive designed to bond together layers in motor vehicle headliners.

(E) *Polyolefin adhesive*. An aerosol adhesive designed to bond polyolefins to substrates.

(F) *Laminate repair/edgebanding adhesive*. An aerosol adhesive designed for:

(I) The touch-up or repair of items laminated with high pressure laminates (for example—lifted edges, delaminates, and the like).

(II) The touch-up, repair or attachment of edgebanding materials, including other laminates, synthetic marble, veneers, wood molding and decorative metals.

(G) *High pressure laminate*. Sheet materials which consist of paper, fabric or other core material that have been laminated at temperatures exceeding 265°F, and at pressures between 1,000 and 1,400 psi.

(H) *Automotive engine compartment adhesive*. An aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275°F.

Spot remover—A product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery and clothing, that does not require subsequent laundering to achieve stain removal. The term does not include:

(i) Dry cleaning fluid.

(ii) Laundry prewash.

(iii) Carpet and upholstery cleaner.

(iv) Multi-purpose solvent.

Spray buff product—A product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

Stick product—An antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

Structural waterproof adhesive—An adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181 (Type 1, Grade A) and MIL-A-4605 (Type A, Grade A and Grade C). This definition is as per the Federal Consumer Products Regulation in 40 CFR 59 Subpart C.

Surplus reduction—The ACP limit minus the ACP emissions when the ACP Limit was greater than the ACP emissions during a given compliance period, expressed to the nearest pound of VOC. Except as provided in § 130.456 (relating to alternative control plan (ACP) for consumer products), the term does not include emissions occurring prior to the date that the ACP agreement approving an ACP is signed by the Department.

Surplus trading—The buying, selling or transfer of surplus reductions between responsible ACP parties.

TMHE—Total maximum historical emissions—The total VOC emissions from all ACP products for which the responsible ACP party has failed to submit the required VOC content or enforceable sales records. The TMHE shall be calculated for each ACP product during each portion of a compliance period for which the responsible ACP has failed to provide the required VOC content or enforceable sales records. The TMHE shall be expressed to the nearest pound and calculated according to the following calculation:

$$(TMHE = MHE)_1 + (MHE)_2 + \dots + (MHE)_N$$

where,

$$MHE = \left(\frac{\text{Highest VOC Content} \times \text{Highest Sales}}{100 \times 365} \right) \times \text{Missing Data Days}$$

Highest

VOC Content = the maximum VOC content which the ACP product has contained in the previous 5 years, if the responsible ACP party has failed to meet the requirements for reporting VOC content data (for a portion of the compliance period), as specified in the ACP agreement approving the ACP, or the current actual VOC content, if the responsible ACP party has provided all required VOC content data (for the entire compliance period), as specified in the ACP agreement.

Highest Sales = the maximum 1-year gross Pennsylvania sales of the ACP product in the previous

5 years, if the responsible ACP party has failed to meet the requirements for reporting enforceable sales records (for a portion of the compliance period), as specified in the ACP agreement approving the ACP, or the current actual 1-year enforceable sales for the product, if the responsible ACP party has provided all required enforceable sales records (for the entire compliance period), as specified in the ACP agreement approving the ACP.

Missing Data = the number of days in a compliance period for which the responsible days ACP party has failed to provide the required enforceable sales or VOC content data as specified in the ACP agreement approving an ACP.

1, 2, ..., N = each product in an ACP, up to the maximum N, for which the responsible ACP party has failed to submit the required enforceable sales or VOC content data as specified in the ACP agreement approving an ACP.

Table B compound—A carbon-containing compound listed as an exception to the definition of VOC.

Terrestrial—To live on or grow from land.

Tire sealant and inflation—A pressurized product that is designed to temporarily inflate and seal a leaking tire.

Type A propellant—A compressed gas such as CO₂, N₂, N₂O or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

Type B propellant—A halocarbon which is used as a propellant, including:

- (i) Chlorofluorocarbons (CFCs).
- (ii) Hydrochlorofluorocarbons (HCFCs).
- (iii) Hydrofluorocarbons (HFCs).

Type C propellant—A propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane and dimethyl ether (also known as dimethyl oxide).

Undercoating—An aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic or asphaltic products.

Usage directions—The text or graphics on the product's principal display panel, label or accompanying literature that describes to the end user how and in what quantity the product is to be used.

VOC content—Except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under § 130.431 (relating to testing for compliance).

For charcoal lighter material products only,

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Certified Emissions = the emissions level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Man-

agement District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound CH₂ per start.

Certified

Use Rate = the usage level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

Wasp and hornet insecticide—An insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.

Waterproofer—A product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.

Wax—A material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high molecular weight polymers (plastics). The term includes:

- (i) Substances derived from the secretions of plants and animals such as carnuba wax and beeswax.
- (ii) Substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

Web spray adhesive—An aerosol adhesive which is not a mist spray or special purpose spray adhesive.

Wood floor wax—Wax-based products for use solely on wood floors.

Working day—A day between Monday through Friday, inclusive, except for days that are Federal holidays.

STANDARDS

§ 130.211. Table of standards.

Except as provided in §§ 130.331—130.337 (relating to exemptions), §§ 130.351—130.352 (relating to innovative products), §§ 130.411—130.414 (relating to variances) and §§ 130.451—130.464 (relating to ACP for consumer products), a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth a consumer product manufactured on or after January 1, 2005, which contains VOCs in excess of the limits specified in the following table of standards:

**Table of Standards
(percent VOC by weight)**

Product Category	Effective Date
	1/1/2005
Adhesives	
Aerosol:	
Mist Spray	65
Web Spray	55
Special Purpose Spray Adhesives:	
Mounting, Automotive Engine	
Compartment, and Flexible Vinyl	70
Polystyrene Foam and Automotive	
Headliner	65
Polyolefin and Laminate Repair	60
Edgebanding	80

<i>Product Category</i>	<i>Effective Date</i> <i>1/1/2005</i>	<i>Product Category</i>	<i>Effective Date</i> <i>1/1/2005</i>
Contact	15	Hair Styling Gels	6
Construction, Panel and Floor Covering	10	Heavy-Duty Hand Cleaner or Soap	8
General Purpose	15	Insecticides	
Structural Waterproof		Crawling Bug (Aerosol)	15
Air Fresheners		Crawling Bug (all other forms)	20
Single-Phase Aerosols	30	Flea and Tick	25
Double-Phase Aerosols	25	Flying Bug (Aerosol)	25
Liquids/Pump Sprays Solids/Gels	18	Flying Bug (all other forms)	35
Antiperspirants		Foggers	45
Aerosol	40 HVOC	Lawn and Garden (all other forms)	20
	10 MVOC	Lawn and Garden (Non-Aerosol)	3
Non-Aerosol	0 HVOC	Wasp and Hornet	40
	0 MVOC	Laundry Prewash	
Automotive Brake Cleaners	45	Aerosols / Solids	22
Automotive Rubbing or Polishing Compound	17	All Other Forms	5
Automotive Wax, Polish, Sealant or Glaze		Laundry Starch Products	5
Hard Paste Waxes	45	Metal Polishes / Cleansers	30
Instant Detailers	3	Multi-Purpose Lubricant (Excluding Solid or	50
All Other Forms	15	Semi-Solid Products)	
Automotive Windshield Washer Fluids	35	Nail Polish Remover	75
Bathroom and Tile Cleaners		Non-Selective Terrestrial Herbicide	
Aerosols	7	Non-Aerosols	3
All Other Forms	5	Oven Cleaners	
Bug and Tar Remover	40	Aerosols / Pump Sprays	8
Carburetor or Fuel-Injection Air Intake		Liquids	5
Cleaners	45	Paint Remover or Strippers	50
Carpet and Upholstery Cleaners		Penetrants	50
Aerosols	7	Rubber and Vinyl Protectants	
Non-Aerosols (Dilutables)	0.1	Non-Aerosols	3
Non-Aerosols (Ready-to-Use)	3.0	Aerosols	10
Charcoal Lighter Material	See	Sealants and Caulking Compounds	4
	§ 130.214	Shaving Creams	5
Cooking Spray Aerosols	18	Silicone-Based Multi-Purpose Lubricants	60
Deodorants		(Excluding Solid or Semi-Solid Products)	
Aerosol	0 HVOC	Spot Removers	
	10 MVOC	Aerosols	25
Non-Aerosol	0 HVOC	Non-Aerosols	8
	0 MVOC	Tire Sealants and Inflators	20
Dusting Aids		Undercoatings	
Aerosols	25	Aerosols	40
All Other Forms	7		
Engine Degreasers		§ 130.212. Products diluted prior to use.	
Aerosol	5	(a) For consumer products for which the label, packaging or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in § 130.211 (relating to table of standards) apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection, minimum recommended dilution does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.	
Non-Aerosol	5	(b) For consumer products for which the label, packaging or accompanying literature states that the product should be diluted with a VOC solvent prior to use, the limits specified in § 130.211 apply to the product only after the maximum recommended dilution has taken place.	
Fabric Protectants	60	§ 130.213. Products registered under FIFRA.	
Floor Polishes/Waxes		For those consumer products that are registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y), the effective date of the VOC standards specified in the Table of Standards is 1 year after the date specified in § 130.211 (relating to table of standards).	
Products for Flexible Flooring Materials	7		
Products for Nonresilient Flooring	10		
Wood Floor Wax	90		
Floor Wax Strippers			
Non-Aerosol	See		
	§ 130.216		
Furniture Maintenance Products			
Aerosols	17		
All Other Forms Except Solid or Paste	7		
General Purpose Cleaners			
Aerosols	10		
Non-Aerosols	4		
General Purpose Degreasers			
Aerosols and Non-Aerosols	50		
Glass Cleaners			
Aerosols	12		
Non-Aerosols	4		
Hair Mousses	6		
Hairshines	55		
Hairsprays	55		

§ 130.214. Requirements for charcoal lighter materials.

The following requirements apply to charcoal lighter material products as defined in § 130.202 (relating to definitions).

(1) *Regulatory standards.* A person may not sell, supply or offer for sale after January 1, 2005, a charcoal lighter material product unless at the time of the transaction:

(i) The manufacturer can demonstrate that the manufacturer has been issued a currently effective certification by the CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the CCR. This certification remains in effect for as long as the CARB certification remains in effect. A manufacturer claiming such a certification on this basis shall submit to the Department a copy of the certification decision (that is, the Executive Order), including all conditions established by CARB applicable to the certification.

(ii) The manufacturer or distributor of the charcoal lighter material has been issued a currently effective certification under paragraph (2).

(iii) The charcoal lighter material meets the formulation criteria and other conditions specified in the applicable ACP Agreement issued under paragraph (2).

(iv) The product usage directions for the charcoal lighter material are the same as those provided to the Commonwealth under paragraph (2)(iii).

(2) *Certification requirements.*

(i) A charcoal lighter material formulation will not be certified under this subsection unless the applicant for certification demonstrates to the Department's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (South Coast Air Quality Management District Rule 1174 Testing Protocol). The provisions relating to LVP-VOC in § 130.333 (relating to LVP-VOCs) do not apply to a charcoal lighter material subject to the requirements of this section and § 130.211 (relating to table of standards).

(ii) The Department may approve alternative test procedures which are shown to provide equivalent results to those obtained using the South Coast Air Quality Management District Rule 1174 Test Protocol.

(iii) A manufacturer or distributor of charcoal lighter material may apply to the Department for certification of a charcoal lighter material formulation.

(3) *Notice of modifications.* For a charcoal lighter material for which certification has been granted the applicant for certification shall notify the Department in writing within 30 days of:

(i) A change in the usage directions.

(ii) A change in product formulation, test results or other information submitted under paragraph (2) which may result in VOC emissions greater than 0.020 pound of VOC per start.

(4) *Revocation of certification.* If the Department determines that a certified charcoal lighter material formulation results in VOC emissions from the ignition of charcoal which are greater than 0.020 pound of VOC per start, as determined by the South Coast Air Quality

Management District Rule 1174 Testing Protocol and the statistical analysis procedures contained therein, the Department will revoke or modify the certification as is necessary to assure that the charcoal lighter material will result in VOC emissions of less than or equal to 0.020 pound of VOC per start.

§ 130.215. Requirements for aerosol adhesives.

(a) As specified in CCR Section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial and commercial uses. Except as otherwise provided in §§ 130.331—130.337 (relating to exemptions); §§ 130.351 and 130.352 (relating to innovative products); and §§ 130.411—130.414 (relating to variances), a person may not sell, supply, offer for sale, use or manufacture for sale in this Commonwealth an aerosol adhesive which, at the time of sale, use or manufacture, contains VOCs in excess of the specified standard.

(b) For a special purpose spray adhesive:

(1) To qualify as a special purpose spray adhesive, the product shall meet one or more of the definitions specified in § 130.202 (relating to definitions), but if the product label indicates that the product is suitable for use on a substrate or application not listed in § 130.202, the product will be classified as either a "web spray adhesive" or a "mist spray adhesive."

(2) If a product meets more than one of the definitions specified in § 130.202 for special purpose spray adhesive, and is not classified as a web spray adhesive or mist spray adhesive, the VOC limit for the product shall be the lowest applicable VOC limit specified in § 130.211 (relating to table of standards).

(c) Aerosol adhesives shall comply with the labeling requirements specified in § 130.373 (relating to additional labeling requirements for aerosol adhesives).

§ 130.216. Requirements for floor wax strippers.

A person may not sell, supply, offer for sale or manufacture for use in this Commonwealth a floor wax stripper unless the following requirements are met:

(1) The label of each nonaerosol floor wax stripper shall specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3% by weight or less.

(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper shall specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12% by weight or less.

EXEMPTIONS

§ 130.331. Products for shipment and use outside this Commonwealth.

(a) This subchapter does not apply to a consumer product manufactured in this Commonwealth for shipment and use outside of this Commonwealth.

(b) This subchapter does not apply to a manufacturer or distributor who sells, supplies or offers for sale in this Commonwealth a consumer product that does not comply with the VOC standards specified in § 130.211 (relating to table of standards), as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of this Commonwealth, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in this Common-

wealth. This subsection does not apply to consumer products that are sold, supplied or offered for sale by a person to retail outlets in this Commonwealth.

§ 130.332. Antiperspirants and deodorants.

(a) The MVOC content standards in § 130.211 (relating to table of standards) for antiperspirants and deodorants do not apply to ethanol.

(b) The VOC limits specified in § 130.211 do not apply to fragrances up to a combined level of 2% by weight contained in a consumer product and do not apply to colorants up to a combined level of 2% by weight contained in an antiperspirant or deodorant.

(c) The requirements of § 130.211 for antiperspirants and deodorants do not apply to those VOCs that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of 2 mm Hg or less at 20°C.

§ 130.333. LVP-VOC.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to an LVP-VOC.

§ 130.334. Insecticides, fungicides and rodenticides.

The requirements of § 130.371 (relating to code-dating) do not apply to consumer products registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136–136y).

§ 130.335. Air fresheners.

(a) The VOC limits specified in § 130.211 (relating to table of standards) do not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under § 130.202 (relating to definitions) or exempted under § 130.335 (relating to air fresheners).

(b) The VOC limits specified in § 130.211 do not apply to air fresheners and insecticides containing at least 98% paradichlorobenzene.

§ 130.336. Adhesives.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to adhesives sold in containers of 1 fluid ounce or less.

§ 130.337. Bait station insecticides.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5% active ingredients.

INNOVATIVE PRODUCTS

§ 130.351. Innovative products exemption.

A manufacturer of consumer products that has been granted an innovative products exemption by the CARB under the innovative products provisions in Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the CCR shall be exempt from § 130.211 (relating to table of standards) for the period of time that the CARB innovative products exemption remains in effect provided that all consumer products within the CARB innovative products exemption are contained in § 130.211. A manufacturer claiming such an exemption on this basis shall submit to the Department a copy of the CARB Innovative Products exemption decision (that is, the Executive Order), including all conditions established by CARB applicable to the exemption.

§ 130.352. Request for exemption.

A manufacturer of consumer products that has been granted an innovative products exemption under the innovative products provisions in Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the CCR based on California-specific data, or that has not been granted an exemption by CARB may seek an innovative products exemption in accordance with the following criteria:

(1) The Department may exempt a consumer product from the VOC limits specified in § 130.211 (relating to table of standards) if a manufacturer demonstrates that, due to some characteristic of the product formulation, design, delivery systems or other factors, the use of the product will result in less VOC emissions.

(2) A manufacturer shall apply in writing to the Department for an exemption claimed under § 130.331(b) (relating to products for shipment and use outside this Commonwealth). The application shall include the supporting documentation that demonstrates the emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant shall provide information necessary to enable the Department to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content.

(3) If the VOC limits specified in § 130.211 are lowered for a product category through a subsequent rulemaking, the innovative product exemptions granted for products in the product category, except as provided in this subsection, shall have no force and effect as of the effective date of the modified VOC standard. This paragraph does not apply to those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Department at least 60 days before the effective date of the limits.

(4) If the Department believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in paragraph (1), the Department may modify or revoke the exemption as necessary to assure that the product will meet these criteria.

ADMINISTRATIVE REQUIREMENTS

§ 130.371. Code-dating.

(a) *Code-dating.* Each manufacturer of a consumer product subject to §§ 130.211–130.216 (relating to standards) shall clearly display on each consumer product container or package, the day, month and year on which the product was manufactured, or a code indicating that date. The date or date-code information shall be located on the container or inside the cover/cap so that it is readily observable or obtainable (by simply removing the cap/cover) without disassembling a part of the container or packaging. This date or code shall be displayed on each consumer product container or package no later than 12 months prior to the effective date of the applicable standard specified in § 130.211 (relating to table of standards). The requirements of this provision do not apply to products containing no VOCs as defined in § 130.202 (relating to definitions), or containing VOCs at 0.10% by weight or less.

(b) If a manufacturer uses a code indicating the date of manufacture for a consumer product subject to

§§ 130.211—130.216, an explanation of the code shall be filed with the Department no later than 12 months prior to the effective date of the applicable standard specified in § 130.211.

§ 130.372. Most restrictive limit.

Notwithstanding the definition of “product category” in § 130.202 (relating to definitions), if on the principal display panel of a consumer product, a representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in § 130.211 (relating to table of standards), the lowest VOC limit applies. This requirement does not apply to general purpose cleaners and antiperspirant/deodorant products.

§ 130.373. Additional labeling requirements for aerosol adhesives.

(a) In addition to the requirements specified in §§ 130.371 and 130.372 (relating to code-dating; and most restrictive limit) and §§ 130.391 and 130.392 (relating to reporting requirements), both the manufacturer and responsible party for each aerosol adhesive product subject to this subchapter shall ensure that all products clearly display the following information on each product container which is manufactured on or after January 1, 2005:

(1) The aerosol adhesive category as specified in § 130.211 (relating to table of standards) or an abbreviation of the category shall be displayed.

(2) The applicable VOC standard for the product that is specified in § 130.211 expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Department, as provided in §§ 130.451—130.464 (relating to ACP for consumer products).

(3) If the product is included in an alternative control plan approved by the Department, and the product exceeds the applicable VOC standard specified in § 130.211, the product shall be labeled with the term “ACP” or “ACP product.”

(4) If the product is classified as a special purpose spray adhesive, the applicable substrate or application or an abbreviation of the substrate or application that qualifies the product as special purpose shall be displayed.

(5) If the manufacturer or responsible party uses an abbreviation as allowed by this section, an explanation of the abbreviation shall be filed with the Department before the abbreviation is used.

(b) The information required in § 130.371(a) shall be displayed on the product container so that it is readily observable without removing or disassembling a portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing product packaging.

REPORTING REQUIREMENTS

§ 130.391. Required reporting of information to Department.

Upon 90 days written notice, the Department may require a responsible party to report information for a consumer product the Department may specify.

§ 130.392. Confidentiality.

The information submitted by a responsible party under § 130.391 (relating to required reporting of informa-

tion to the Department) will be handled in accordance with the procedures specified in applicable Pennsylvania confidentiality requirements upon request by the responsible party.

VARIANCES

§ 130.411. Application for variance.

A person who cannot comply with §§ 130.211—130.216 (relating to standards), because of extraordinary reasons beyond the person’s control, may apply in writing to the Department for a variance. The variance application shall set forth:

(1) The specific grounds upon which the variance is sought.

(2) The proposed dates by which compliance with the provisions of § 130.211 (relating to table of standards) will be achieved.

(3) A compliance report reasonably detailing the methods by which compliance will be achieved.

§ 130.412. Variance orders.

A variance order shall specify a final compliance date by which the requirements of §§ 130.211—130.216 (relating to standards) will be achieved. A variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and other conditions that the Department, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of applicable Commonwealth laws and regulations.

§ 130.413. Termination of variance.

A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

§ 130.414. Modification of variance.

Upon the application of a person, the Department may review, and for good cause, modify or revoke a variance from requirements of §§ 130.211—130.216 (relating to standards) after holding a public hearing in accordance with the provisions of applicable Commonwealth regulations.

TEST METHODS

§ 130.431. Testing for compliance.

(a) Testing to determine compliance with this subchapter shall be performed by one of the following:

(1) Using CARB Method 310, *Determination of Volatile Organic Compounds (VOC) in Consumer Products*, adopted September 25, 1997, and as last amended on September 3, 1999.

(2) Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Department.

(3) Calculation of the VOC content from records of the amounts of constituents used to make the product under the following criteria:

(i) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records shall be kept for at least 3 years.

(ii) For the purposes of this section, the VOC content shall be calculated according to the following equation:

$$\text{VOC Content} = \left(\frac{B - C}{A} \right) \times 100$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs per unit.

C = total weight of VOCs exempted under §§ 130.331—130.352 per unit

(iii) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this section.

(b) Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (May 25, 1990).

(c) Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991).

(d) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-90 (Sept. 28, 1990).

(e) A person may not create, alter, falsify or otherwise modify records so that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and other test, processes or records used in connection with product manufacture.

ACP FOR CONSUMER PRODUCTS

§ 130.451. Alternative methods of compliance.

The purpose of this section is to provide an alternative method to comply with the Table of Standards specified in § 130.211 (relating to table of standards). This alternative is provided by allowing responsible ACP parties the option of voluntarily entering into separate alternative control plans for consumer products, as specified in this subchapter. Only responsible ACP parties for consumer products may enter into an ACP.

§ 130.452. Exemption.

A manufacturer of consumer products which has been granted an ACP Agreement by the CARB under Subchapter 8.5, Article 4, Sections 94540-94555, of Title 17 of the CCR shall be exempt from § 130.211 (relating to table of standards) for the period of time that the CARB ACP Agreement remains in effect provided that all ACP Products within the CARB ACP Agreement are contained in § 130.211. A manufacturer claiming such an ACP Agreement on this basis shall submit to the Department a copy of the CARB ACP decision (that is, the Executive Order), including the conditions established by CARB applicable to the exemption.

§ 130.453. Request for exemption.

(a) Manufacturers of consumer products that have been granted an ACP Agreement under the ACP provision in Subchapter 8.5, Article 4, sections 94540—94555, of Title 17 of the CCR based on California specific data, or that have not been granted an exemption by the CARB may seek an ACP Agreement with the Department.

(b) The Department will not approve an ACP submitted by a responsible ACP party if the Department determines, upon review of the responsible ACP party's compliance history with past or current ACPs or the requirements for consumer products in this subchapter, that the responsible ACP party has a recurring pattern of violations and has consistently refused to take the necessary steps to correct those violations.

§ 130.454. Recordkeeping and availability of requested information.

(a) Information specified in the ACP Agreement approving an ACP shall be maintained by the responsible ACP party for at least 3 years after the records are generated. The records shall be clearly legible and maintained in good condition during this period.

(b) The records specified in this section shall be made available to the Department:

(1) Immediately upon request during an onsite visit to a responsible ACP party.

(2) Within 5 working days after receipt of a written request from the Department.

(3) Within a time period mutually agreed upon by both the Department and the responsible ACP party.

§ 130.455. Surplus reductions and surplus trading.

(a) The Department will issue surplus reduction certificates which establish and quantify, to the nearest pound of VOC reduced, surplus reductions achieved by a responsible ACP party operating under an ACP. The surplus reductions can be bought from, sold to or transferred to a responsible ACP party operating under an ACP, as provided in this section. Surplus reductions will be calculated by the Department at the end of each compliance period within the time specified in the approved ACP. Surplus reduction certificates do not constitute instruments, securities or other form of property.

(b) The issuance, use and trading of all surplus reductions shall be subject to the following provisions:

(1) For the purposes of this section, VOC reductions from sources of VOCs other than consumer products subject to the VOC standards specified in § 130.211 (relating to table of standards) may not be used to generate surplus reductions.

(2) Surplus reductions are valid only when generated by a responsible ACP party, and only while that responsible ACP party is operating under an approved ACP.

(3) Surplus reductions are valid only after the Department has issued an ACP agreement under this section.

(4) Surplus reductions issued by the Department may be used by the responsible ACP party who generated the surplus until the reductions expire or are traded or until the ACP is canceled under this section.

(5) Surplus reductions cannot be applied retroactively to a compliance period prior to the compliance period in which the reductions were generated.

(6) Except as provided in this section, only small or one-product businesses selling products under an approved ACP may purchase surplus reductions. An increase in the size of a small business or one-product business shall have no effect on surplus reductions purchased by that business prior to the date of the increase.

(7) While valid, surplus reductions can be used only for one of the following purposes:

(i) To adjust the ACP emissions of either the responsible ACP party who generated the reductions or the responsible ACP party to which the reductions were traded, provided the surplus reductions are not to be used by a responsible ACP party to further lower its ACP emissions when its ACP emissions are equal to or less than the ACP limit during the applicable compliance period.

(ii) To be traded for the purpose of reconciling another responsible ACP party's shortfalls, provided the reconciliation is part of the reconciliation of shortfalls plan approved by the Department under this section.

(8) A valid surplus reduction shall be in effect starting 5 days after the date of issuance by the Department, for a continuous period equal to the number of days in the compliance period during which the surplus reduction was generated. The surplus reduction shall then expire at the end of its effective period.

(9) At least 5 working days prior to the effective date of transfer of surplus reductions, both the responsible ACP party which is selling surplus reductions and the responsible ACP party which is buying the surplus reductions shall, either together or separately, notify the Department in writing of the transfer. The notification shall include the following:

- (i) The date the transfer is to become effective.
- (ii) The date the surplus reductions being traded are due to expire.
- (iii) The amount (in pounds of VOCs) of surplus reductions that are being transferred.
- (iv) The total purchase price paid by the buyer for the surplus reductions.
- (v) The contact persons, names of the companies, street and mail addresses and phone numbers of the responsible ACP parties involved in the trading of the surplus reductions.

(vi) A copy of the Department-issued surplus reductions certificate, signed by both the seller and buyer of the certificate, showing transfer of all or a specified portion of the surplus reductions. The copy shall show the amount of remaining nontraded surplus reductions, if applicable, and shall show their expiration date. The copy shall indicate that both the buyer and seller of the surplus reductions fully understand the conditions and limitations placed upon the transfer of the surplus reductions and accept full responsibility for the appropriate use of such surplus reductions as provided in this section.

(10) Surplus reduction credits shall only be traded between ACP products for consumer products.

§ 130.456. Limited-use surplus reduction credits for early reformulations of ACP products.

(a) For the purposes of this subsection, "early reformulation" means an ACP product which is reformulated to result in a reduction in the product's VOC content, and which is sold, supplied or offered for sale in this Commonwealth for the first time during the 1 year (365-day) period immediately prior to the date on which the application for a proposed ACP is submitted to the Department. "Early reformulation" does not include reformulated ACP products which are sold, supplied or offered for sale in this Commonwealth more than 1 year prior to the date on which the ACP application is submitted to the Department.

(b) If requested in the application for a proposed ACP, the Department will, upon approval of the ACP, issue

surplus reduction credits for early reformulations of ACP products, provided that the following documentation has been provided by the responsible ACP party to the satisfaction of the Department:

(1) Accurate documentation showing that the early reformulation reduced the VOC content of the ACP product to a level which is below the pre-ACP VOC content of the product, or below the applicable VOC standards in § 130.211 (relating to table of standards), whichever is the lesser of the two.

(2) Accurate documentation demonstrating that the early reformulated ACP product was sold in retail outlets in this Commonwealth within the time period specified in this section.

(3) Accurate sales records for the early reformulated ACP product which meets the definition of "enforceable sales records" in § 130.202 (relating to definitions), and which demonstrate that the enforceable sales for the ACP product are at least 75.0% of the gross Pennsylvania sales for the product.

(4) Accurate documentation for the early reformulated ACP product which meets the requirements specified in this section, and which identifies the specific test methods for verifying the claimed early reformulation and the statistical accuracy and precision of the test methods as specified in this section.

(c) Surplus reduction credits issued under this section shall be calculated separately for each early reformulated ACP product by the Department according to the following equation:

$$SR = \text{Enforceable Sales} \times \frac{((VOC\ Content)_{initial} \times (VOC\ Content)_{final})}{100}$$

where,

SR = Surplus reductions for the ACP product, expressed to the nearest pound

Enforceable

Sales = The enforceable sales for the early reformulated ACP product, expressed to the nearest pound of ACP product,

VOC

Content_{initial} = The Pre-ACP VOC content of the ACP product, or the applicable VOC standard specified in 3 (a), whichever is the lesser of the two, expressed to the nearest 0.1 pound of VOC per 100 pounds of ACP product,

VOC

Content_{final} = The VOC Content of the early reformulated ACP product after the early reformulation is achieved, expressed to the nearest 0.1 pound of VOC per 100 pounds of ACP product.

(d) The use of surplus reduction credits issued under this section shall be subject to the following provisions:

(1) Surplus reduction credits shall be used solely to reconcile the responsible ACP party's shortfalls generated during the first compliance period occurring immediately after the issuance of the ACP agreement approving an ACP, and may not be used for another purpose.

(2) Surplus reduction credits may not be transferred to, or used by, another responsible ACP party.

(3) Except as provided in this section, surplus reduction credits shall be subject to the requirements applicable to surplus reductions and surplus trading, as specified in this section.

§ 130.457. Reconciliation of shortfalls.

(a) At the end of each compliance period, the responsible ACP party shall make an initial calculation of shortfalls occurring in that compliance period, as specified in the ACP agreement approving the ACP. Upon receipt of this information, the Department will determine the amount of a shortfall that has occurred during the compliance period, and notify the responsible ACP party of this determination.

(b) The responsible ACP party shall implement the reconciliation of shortfalls plan as specified in the ACP agreement approving the ACP, within 30 working days from the date of written notification of a shortfall by the Department.

(c) Shortfalls shall be completely reconciled within 90 working days from the date of written notification of a shortfall by the Department, by implementing the reconciliation of shortfalls plan specified in the ACP agreement approving the ACP.

(d) The requirements specified in the ACP agreement approving an ACP, including the applicable ACP limits, shall remain in effect while shortfalls are in the process of being reconciled.

§ 130.458. Notification of modifications to an ACP by the responsible ACP party.

(a) *Modifications that do not require Department preapproval.* The responsible ACP party shall notify the Department, in writing, of a change in the following with respect to an ACP product:

- (1) Product name.
- (2) Product formulation.
- (3) Product form.
- (4) Product function.
- (5) Applicable product category.
- (6) VOC content.
- (7) LVP content.
- (8) Date-codes.
- (9) Recommended product usage directions.

(b) *Notification.* The notification shall be submitted no later than 15 working days from the date the change occurs. For each modification, the notification shall fully explain the following:

- (1) The nature of the modification.
- (2) The extent to which the ACP product formulation, VOC content, LVP content or recommended usage directions will be changed.
- (3) The extent to which the ACP emissions and ACP limit specified in the ACP agreement will be changed for the applicable compliance period.
- (4) The effective date and corresponding date-codes for the modification.

§ 130.459. Modifications that require Department preapproval.

The responsible ACP party may propose modifications to the enforceable sales records or reconciliation of shortfalls plan specified in the ACP Agreement approving the

ACP. Proposed modifications shall be fully described in writing and forwarded to the Department. The responsible ACP party shall clearly demonstrate that the proposed modifications will meet the requirements of this subchapter. The responsible ACP party shall meet all applicable requirements of the existing ACP until a proposed modification is approved in writing by the Department.

§ 130.460. Other modifications.

Except as otherwise provided in this section, the responsible ACP party shall notify the Department, in writing, of information that the responsible ACP party may have which may alter the information submitted. The responsible ACP party shall provide the notification to the Department no later than 15 working days from the date the information is known to the responsible ACP party.

§ 130.461. Modification of an ACP by the Department.

(a) If the Department determines that the enforceable sales for an ACP product are no longer at least 75.0% of the gross Pennsylvania sales for that product, or the information submitted under the approval process in this section is no longer valid, or the ACP emissions are exceeding the ACP limit specified in the ACP agreement approving an ACP, the Department will modify the ACP as necessary to ensure that the ACP meets the requirements of this subchapter and that the ACP emissions will not exceed the ACP limit.

(b) The Department will not modify the ACP without first affording the responsible ACP party an opportunity for a public hearing in accordance with the procedures specified in applicable laws and regulations of the Commonwealth, to determine if the ACP should be modified.

(c) If an applicable VOC standard specified in § 130.211 (relating to table of standards) is modified by CARB in a future rulemaking, the Department will modify the ACP limit specified in the ACP agreement approving an ACP to reflect the modified ACP VOC standards as of its effective date.

§ 130.462. Cancellation of an ACP.

An ACP shall remain in effect until:

- (1) The ACP reaches the expiration date specified in the ACP agreement.
- (2) The ACP is modified by the responsible ACP party and approved by the Department.
- (3) The ACP is modified by the Department.
- (4) The ACP includes a product for which the VOC standard specified in § 130.211 (relating to table of standards) is modified by the Department in a future rulemaking, and the responsible ACP party informs the Department in writing that the ACP will terminate on the effective date of the modified standard.
- (5) The ACP is cancelled by the Department.

§ 130.463. Treatment of information.

The information required by §§ 130.451—130.464 (relating to ACP for consumer products) is public information which may not be claimed as confidential. Other information submitted to the Department to meet the requirements of this subchapter will be handled in accordance with the procedures specified in applicable laws and regulations of the Commonwealth.

§ 130.464. Other applicable requirements.

A responsible ACP party may transfer an ACP to another responsible ACP party, provided that the following conditions are met:

(1) The Department shall be notified, in writing, by both responsible ACP parties participating in the transfer of the ACP and its associated ACP agreement. The written notifications shall be postmarked at least 5 working days prior to the effective date of the transfer and shall be signed and submitted separately by both responsible parties. The written notifications shall clearly identify the contact persons, business names, mail and street addresses, and phone numbers of the responsible parties involved in the transfer.

(2) The responsible ACP party to which the ACP is being transferred shall provide a written declaration stating that the transferee shall fully comply with the requirements of the ACP agreement approving the ACP and this subchapter.

[Pa.B. Doc. No. 01-2013. Filed for public inspection November 9, 2001, 9:00 a.m.]

[25 PA. CODE CH. 130]
Portable Fuel Containers

The Environmental Quality Board (Board) proposes to establish Chapter 130 (relating to standards for products) to read as set forth in Annex A.

Subchapter A (relating to portable fuel containers) will apply to persons who sell, supply, offer for sale or manufacture for sale in this Commonwealth portable fuel containers or spouts or both and portable fuel containers and spouts, for use in this Commonwealth. Subchapter A will also add definitions for terms to be used in the substantive provisions of the chapter.

This notice is given under Board order at its meeting of September 18, 2001.

A. Effective Date

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

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663; or Bo Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

C. Statutory Authority

This proposed rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005) which grants the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background

When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The United States Environmental

Protection Agency (EPA) has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though these symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of this proposed rulemaking is to reduce the volatile organic compounds (VOCs) emitted from portable fuel containers. This proposed rulemaking is part of the Commonwealth's specific action plan to achieve and maintain the ozone National Ambient Air Quality Standard in this Commonwealth.

A number of northeastern states have also committed to developing regulations designed to reduce the amount of VOCs emitted into the environment from portable fuel containers. It is anticipated that once these states, together with California, have adopted these regulations, they will have the effect of being a "de facto" National rule.

In addition to reducing VOC emissions, the proposed rulemaking will also reduce public exposure to hazardous constituents present in gasoline such as benzene. Benzene is a toxic air contaminant and a known human carcinogen. Although the risk reductions have not been quantified, it is assumed that the spill-proof features and permeation requirement would significantly reduce benzene emissions.

This proposed rulemaking would also improve water quality aquifers, lakes and rivers. It would greatly reduce the amount of gasoline spilled onto the ground while refueling lawn, garden and small construction equipment and other machines with small gasoline engines. Many marine pleasure craft, especially personal watercrafts, are refueled using portable containers, and the threat of fuel spillage during onwater refueling is always present. The spill-proof systems would allow users of pleasure craft to refuel their engines without fuel spillage; this would eliminate the potential discharge of fuel into the aquatic environment from these activities.

This proposed rulemaking applies to all portable fuel containers or spouts, or both, except: 1) containers with capacity of less than or equal to 1 quart; 2) rapid refueling devices with capacities equal to or greater than 4 gallons, provided they are designed for use in officially sanctioned off-road motorcycle competitions; and 3) safety cans and portable marine fuel tanks that operate in conjunction with outboard motors.

Portable fuel containers or spouts, or both, must be equipped with an automatic shut-off device that stops fuel flow before the fuel tank overflows and an automatic device that closes and seals when it is removed from the fuel tank. There are also other required design specifications, all of which are intended to significantly lessen the possibility of gasoline spillage and reduce emissions.

Compliance with the proposed performance standards are designed to maximize VOC emission reductions. It is estimated that VOCs would be reduced by approximately 75% of total uncontrolled emissions from this sector once the rule is finalized.

The major implementation issues are consumer acceptance and the long life of these containers. These containers will look and operate somewhat differently than those currently on the market. However, based on experiences to date, manufacturers have indicated that consumers prefer the new product after becoming familiar with it. The Commonwealth, through the Ozone Transport Commission (OTC), has worked with manufacturers of these containers, and manufacturers have indicated that they would be able to provide the products to the market by 2003.

The Department of Environmental Protection (Department) worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposed rulemaking. At its May 24, 2001, meeting, AQTAC recommended adoption of the proposed rulemaking. AQTAC also recommended that the Department continue aggressive efforts with other states to support National standards for these products.

E. Summary of Regulatory Requirements

The proposed addition of Chapter 130 includes definitions of terms and substantive provisions as well. The definitions in § 130.102 (relating to definitions) include "ASTM," "nominal capacity," "outboard engine," "permeation," "portable fuel container," "product category," "spill-proof spout," "spill-proof system," "spout" and "target fuel tank."

The substantive provisions of Chapter 130 include under § 103.101 (relating to applicability) requirements and a cross reference to Department of Labor and Industry requirements related to portable fuel containers. Section 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts) includes, among other things, automatic shut-off spouts that stop fuel flow before the tank overflows. Section 130.104 (relating to exemptions) provides exemptions for portable fuel containers and spouts manufactured for sale and use outside of this Commonwealth. Innovative products exemptions are provided for in § 130.105 (relating to innovative products) to encourage the design and manufacture of products that will result in cumulative VOC emissions below those types of containers currently in the market. Section 130.106 (relating to administrative requirements) provides for recordkeeping and labeling. Under § 130.107 (relating to variances), a person or manufacturer that cannot comply with Chapter 130 due to extraordinary circumstances beyond that person's reasonable control may request a variance. Test procedures to determine if performance standards for portable fuel containers and spouts have been met are specified in § 130.108 (relating to test procedures).

These regulatory provisions, if approved, will be submitted to the Environmental Protection Agency (EPA) as an amendment to the State Implementation Plan (SIP).

F. Benefits and Costs

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulations.

Benefits

Overall, the citizens of this Commonwealth will benefit from these required changes because they will result in improved air quality by reducing ozone precursor emissions and encourage new technologies and practices, which reduce emissions. Moreover, it is also anticipated that adoption of this rulemaking will save consumers money because it will result in reduced evaporative loss from gasoline.

Compliance Costs

Manufacturers indicate that the requirements may add an additional \$6 to \$10 to the cost of containers. Cost to residents of this Commonwealth is estimated to be approximately \$3 million annually with an estimated VOC emission reduction to be approximately 7,500 tons per year. If the value of the emission reductions of gasoline saved is factored in, the net cost to citizens of this Commonwealth will be reduced to be approximately \$500,000.

Compliance Assistance Plan

The Department will continue to work with the other states in the northeast, with the OTC and with the National product manufacturers to ensure their understanding of the requirements. In addition, the Department is exploring opportunities for partnering with organizations to facilitate the transition to the new products.

Paperwork Requirements

The regulatory revisions will not increase the paperwork that is already generated during the normal course of business operations.

G. Sunset Review

This rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2001, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 10 days following the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections prior to final publication of the amendments.

I. Public Comments.

Written comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 16, 2002. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 16, 2002. The one-page summary will be provided to each member of the Board

in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic comments—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by January 16, 2002.

J. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 1 p.m. as follows:

December 11, 2001, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

December 13, 2001, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

December 17, 2001, Department of Environmental Protection, Southeast Regional Office, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA.

Persons wishing to present testimony at a hearing are requested to contact Debra Failor at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aide, service or other accommodation to participate should contact Debra Failor at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Chairperson

Fiscal Note: 7-369. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter A. PORTABLE FUEL CONTAINERS

- Sec.
- 130.101. Applicability.
- 130.102. Definitions.
- 130.103. Performance standards for portable fuel containers and spill-proof spouts.
- 130.104. Exemptions.
- 130.105. Innovative products.
- 130.106. Administrative requirements.
- 130.107. Variances.
- 130.108. Test procedures.

§ 130.101. Applicability.

Except as provided in § 130.104 (relating to exemptions), this article applies to a person who sells, supplies,

offers for sale, or manufactures for sale in this Commonwealth portable fuel containers or spouts or both portable fuel containers and spouts for use in this Commonwealth. For additional requirements, see section 7 of the Combustible and Flammable Liquids Act (35 P. S. § 1247(c)) and 37 Pa. Code § 11.7 (relating to container construction).

§ 130.102. Definitions.

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

ASTM—The American Society for Testing and Materials.

Nominal capacity—The volume indicated by the manufacturer that represents the maximum recommended filling level.

Outboard engine—A spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

Permeation—The process by which individual fuel molecules may penetrate the walls and various assembly components of a portable fuel container directly to the outside ambient air.

Portable fuel container—A container or vessel with a nominal capacity of 10 gallons or less intended for reuse that is designed or used primarily for receiving, transporting, storing and dispensing fuel.

Product category—The applicable category that best describes the product with respect to its nominal capacity, material construction, fuel flow rate and permeation rate, as applicable, as determined by the Commonwealth.

Spill-proof spout—A spout that complies with the performance standards specified in § 130.103(b) (relating to performance standards for portable fuel containers and spill-proof spouts).

Spill-proof system—A configuration of portable fuel container and firmly attached spout that complies with all of the performance standards in § 130.103(a).

Spout—A device that can be firmly attached to a portable fuel container for conducting pouring through which the contents of a portable fuel container can be dispensed.

Target fuel tank—A receptacle that receives fuel from a portable fuel container.

§ 130.103. Performance standards for portable fuel containers and spill-proof spouts.

(a) Except as provided in § 130.104 (relating to exemptions), a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth on or after January 1, 2003, a portable fuel container or spout, or a portable fuel container and spout which, at the time of sale or manufacture, does not meet the following performance standards for spill-proof systems:

- (1) Has an automatic shut-off that stops the fuel flow before the target fuel tank overflows.
- (2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.
- (3) Has only one opening for both filling and pouring.
- (4) Provides a fuel flow rate and fill level of one of the following:

(i) At least 1/2 gallon per minute for portable fuel containers with a nominal capacity of:

(A) Less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening.

(B) Greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening if the spill-proof system clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on each spill-proof system or label affixed thereto, and on an accompanying package.

(ii) At least 1 gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening.

(iii) At least 2 gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.

(5) Does not exceed a permeation rate of 0.4 grams per gallon per day.

(6) Is warranted by the manufacturer for at least 1 year against defects in materials and workmanship.

(b) Except as provided in § 130.104, a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth on or after January 1, 2003, a spout which, at the time of sale or manufacture, does not meet the following performance standards for spill-proof spouts:

(1) Has an automatic shut-off that stops the fuel flow before the target fuel tank overflows.

(2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.

(3) Provides a fuel flow rate and fill level of one of the following:

(i) At least 1/2 gallon per minute for portable fuel containers with a nominal capacity of one of the following:

(A) Less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening.

(B) Greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening if the spill-proof spout clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on an accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto.

(ii) At least 1 gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening.

(iii) At least 2 gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.

(4) Is warranted by the manufacturer for at least 1 year against defects in materials and workmanship.

(c) The test procedures for determining compliance with the performance standards in this section are set forth in § 130.108 (relating to test procedures). The

manufacturer of portable fuel containers or spouts or both portable fuel containers and spouts shall perform the tests for determining compliance as set forth in § 130.108 to show that its product meets the performance standards of this section prior to allowing the product to be offered for sale in this Commonwealth. The manufacturer shall maintain records of these compliance tests for as long as the product is available for sale in this Commonwealth and make those test results available to the Department within 60 days of request.

(d) Notwithstanding subsections (a) and (b), a portable fuel container or spout or both portable fuel container and spout manufactured before January 1, 2003, may be sold, supplied or offered for sale until January 1, 2004, if the date of manufacture or a date code representing the date of manufacture is clearly displayed on the portable fuel container or spout.

§ 130.104. Exemptions.

(a) This subchapter does not apply to a portable fuel container or spout or both portable fuel container and spout manufactured in this Commonwealth for shipment, sale and use outside of this Commonwealth.

(b) This subchapter does not apply to a manufacturer or distributor who sells, supplies or offers for sale in this Commonwealth a portable fuel container or spout or both portable fuel container and spout that does not comply with the performance standards specified in § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts), if the manufacturer or distributor can demonstrate the following:

(1) The portable fuel container or spout or both portable fuel container and spout is intended for shipment and use outside of this Commonwealth.

(2) The manufacturer or distributor has taken reasonable prudent precautions to assure that the portable fuel container or spout or both portable fuel container and spout is not distributed in this Commonwealth.

(c) This subchapter does not apply to portable fuel containers with a nominal capacity less than or equal to 1 quart.

(d) This subchapter does not apply to rapid refueling devices, with nominal capacities greater than or equal to 4 gallons, provided the devices are designed for use in officially sanctioned off-highway motorcycle competitions, or either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank.

(e) This subchapter does not apply to portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine.

§ 130.105. Innovative products.

The Department may exempt a portable fuel container or spout or both portable fuel container and spout from one or more of the requirements of § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts) if a manufacturer demonstrates to the satisfaction of the Department that, due to the product's design, delivery system or other factors, the use of the product will result in cumulative VOC emissions below the highest emitting representative spill-proof system or representative spill-proof spout in its product category as determined from applicable testing.

(1) An applicant shall apply in writing to the Commonwealth for an innovative product exemption claimed under this section. The application shall include the supporting documentation that quantifies the emissions from the innovative product, including the actual physical test methods used to generate the data. In addition, the applicant shall provide information necessary to enable the Department to establish enforceable conditions for granting the exemption.

(2) For a portable fuel container or spout or both portable fuel container and spout for which an innovative product exemption has been granted under this section, the applicant shall notify the Department in writing at least 30 days before the applicant changes a product's design, delivery system or other factors that may effect the VOC emissions during recommended usage. The applicant shall also notify the Department within 30 days after the applicant learns of information that would alter the emissions estimates submitted to the Department in support of the exemption application.

(3) If the performance standards specified in § 130.103 are amended for a product category, all innovative product exemptions granted for products in the product category, except as provided in this section, have no force and effect as of the effective date of the amended performance standards.

(4) If the Department believes that a portable fuel container or spout or both portable fuel container and spout for which an exemption has been granted no longer meets the criteria for an innovative product specified in this section, the Department may revoke or modify the exemption.

§ 130.106. Administrative requirements.

(a) Each manufacturer of a portable fuel container or spout or both portable fuel container and spout subject to and complying with § 130.103(a) (relating to performance standards for portable fuel containers and spill-proof spouts) shall clearly display the following on each spill-proof system:

- (1) The phrase "Spill-Proof System."
- (2) A date of manufacture or representative date.
- (3) A representative code identifying the portable fuel container or portable fuel container and spout as subject to and complying with § 130.103(a).

(b) Each manufacturer of a spout subject to and complying with § 130.103(b) shall clearly display the following on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto:

- (1) The phrase "Spill-Proof Spout."
- (2) A date of manufacture or representative date.
- (3) A representative code identifying the spout as subject to and complying with § 130.103(b).

(c) Each manufacturer subject to subsection (a) or (b) shall clearly display a fuel flow rate on each spill-proof system or spill-proof spout, or label affixed thereto, and on an accompanying package.

(d) Each manufacturer of a spout subject to subsection (b) shall clearly display the make, model number and size of only those portable fuel containers the spout is designed to accommodate and can demonstrate compliance with § 130.103(a) on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout, or a label affixed thereto.

(e) Each manufacturer of a portable fuel container or spout or both portable fuel container and spout subject to and complying with § 130.103 that, due to its design or other features cannot be used to refuel one or more on-road motor vehicles, shall clearly display the phrase "Not Intended For Refueling On-Road Motor Vehicles" in type of 34 point or greater.

§ 130.107. Variances.

(a) A person or manufacturer who cannot comply with § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts), due to extraordinary reasons beyond the person's reasonable control, may apply in writing to the Department for a variance. The variance application shall include the following:

- (1) The specific grounds upon which the variance is sought.
- (2) The proposed dates by which compliance with § 130.103 will be achieved.
- (3) A compliance report detailing the methods by which compliance will be achieved.

(b) A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

(c) Upon the application of a person, the Department may review and modify or revoke a variance from § 130.103.

§ 130.108. Test procedures.

(a) Testing to determine compliance with § 130.103(b) (relating to performance standards for portable fuel containers and spill-proof spouts) shall be performed by using the following test procedures:

(1) "Test Method 510, Automatic Shut-Off Test Procedure For Spill-Proof Systems and Spill-Proof Spouts," adopted by CARB on July 6, 2000, which is incorporated herein by reference.

(2) "Test Method 511, Automatic Closure Test Procedure For Spill-Proof Systems And Spill-Proof Spouts," adopted by CARB on July 6, 2000, which is incorporated herein by reference.

(3) "Test Method 512, Determination Of Fuel Flow Rate For Spill-Proof Systems and Spill-Proof Spouts," adopted by CARB on July 6, 2000, which is incorporated herein by reference.

(b) Testing to determine compliance with § 130.103(a) shall be performed by using all test procedures in subsection (a) and "Test Method 513, Determination Of Permeation Rate For Spill-Proof Systems," adopted by CARB on July 6, 2000, which is incorporated herein by reference.

[Pa.B. Doc. No. 01-2014. Filed for public inspection November 9, 2001, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 135, 141 AND 143]

All-Terrain Vehicles; Elk Hunting; Return Postage Fee

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

Amend § 135.50 (relating to definitions) to establish weight and width specification for all-terrain vehicles (ATVs) not defined as Class I ATVs under 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law) (ATV law) and § 135.53 (relating to operation of ATVs on designated State game land roads by permitted persons) to accurately reflect and abide by the changes in the ATV law.

Amend § 141.42 (relating to big game animal hunting roster) by adding elk to ensure elk hunters may not cooperate to hunt elk in groups larger than 25 persons.

Amend § 143.10 (relating to fee for return postage) to allow the Director to establish return postage fees commensurate with changing first-class postage rates.

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

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

These proposed amendments were made public at the October 2, 2001, meeting of the Commission and comments on these proposed amendments can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 28, 2001.

Proposed Amendments to §§ 135.50 and 135.53

1. *Introduction*

The act of June 25, 2001 (P. L. 701, No. 68) (Act 68) amended the ATV law to change the definitions of Class I and Class II ATVs. Class II ATVs no longer have a maximum width or weight. Section 135.50 incorporates these definitions. In addition, sections 7711.1 and 7711.2 of the ATV law (relating to registration of dealers; and registration of snowmobiles and registration and issuance of certificates of titles for ATVs) were amended to require the display of registration plates on ATVs. To adjust for these changes, the Commission, at its October 2, 2001, meeting, proposed amending § 135.50 to put width and weight limits on ATVs that can be used on State game lands and amending § 135.53 to require the display of a valid registration plate on ATVs used on State game lands.

These proposed amendments were made under the authority contained in section 2901(b) of the code (relating to authority to issue permits).

2. *Purpose and Authority*

As was indicated in the Introduction, Act 68 changed the definition of Class II ATVs to eliminate width and weight restrictions. Since ATVs of an excessive size can cause damage to State game lands, the Commission has proposed to retain the limitation for ATVs permitted to go on State game lands. Act 68 also changed sections 7711.1 and 7711.2 of the ATV law to require the display of registration plates on ATVs. With these changes, the requirement of displaying a valid decal currently contained in § 135.53 is superseded by the registration plate requirement.

Section 2901(b) of the code provides that the Commission may "... promulgate regulations to control the activities which may be performed under the authority of any permit issued." This provision provides the authority for the proposed amendments.

3. *Regulatory Requirements*

The proposed amendments will retain the size limitations on ATVs that may be used on State game lands that

existed prior to the effective date of Act 68 and will require the displaying of a valid registration plate rather than a decal.

4. *Persons Affected*

Disabled person permit holders desiring to use ATVs on State game lands will be affected by the proposed amendments.

5. *Cost and Paperwork Requirements*

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

Proposed Amendment to § 141.42

1. *Introduction*

To more effectively manage the elk population of this Commonwealth and to standardize hunting methods, the Commission, at its October 2, 2001, meeting, proposed amending § 141.42(e) to limit the number of individuals in parties hunting elk to 25 persons. Section 2102 of the code (relating to regulations) directs the Commission to promulgate regulations concerning the ways, manner, methods and means of hunting. This provision provides the authority for the proposed amendment.

2. *Purpose and Authority*

The act of December 20, 2000 (P. L. 452, No. 111) added section 2705(15) of the code (relating to classes of licenses) which provides for issuance by the Commission of elk hunting licenses. In addition, the Commission has adopted regulations providing for an elk hunting season in this Commonwealth in 2001. The Commission is now in the process of standardizing requirements and limitations for elk hunting with hunting of other big game species. The Commission has therefore proposed amending § 141.42(e) to limit parties hunting elk to 25 persons to promote safety and fair chase.

Section 2102 of the code provides that: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning . . . the ways, manner, methods, and means of hunting or furtaking . . ." The amendment is proposed under this authority.

3. *Regulatory Requirements*

The proposed amendment will limit the number of individuals who can be involved in hunting elk together to 25. This is also currently true of parties hunting deer and bear.

4. *Persons Affected*

Individuals hunting elk either as license holders or as guides will be effected by the proposed amendment.

5. *Cost and Paperwork Requirements*

The proposed amendment should not result in any additional cost or paperwork.

Proposed Amendment to § 143.10

1. *Introduction*

In recent years, the Commission has experienced increasing sales of hunting and furtaking licenses by means of mail, fax and the Internet. In June 2001, the Commission added § 143.10 providing for a \$1.50 fee per license order to cover postage and packaging costs. Since that recent change, the actual cost per order has increased to \$1.95. To deal with rapidly changing costs, the Commission, at its October 2, 2001, meeting, proposed amending § 143.10 to allow the Executive Director to change the fee based on postage rates. This amendment is proposed on

the basis of section 2722(g) of the code (relating to authorized license-issuing agents).

2. Purpose and Authority

As was indicated in the Introduction, although the Commission recently established a fee for postage and packaging of hunting and furtaking licenses ordered by mail, fax or on the Internet, the fee is already too low. To provide maximum flexibility, the Commission is proposing to amend § 143.10 to allow the fee to be set by the Executive Director, based on first class postage rates.

Section 2722(g) of the code directs the Commission to adopt regulations for "...The administration, control, and performance of activities conducted pursuant to the provisions of this chapter." This section provides the authority for the proposed amendment.

3. Regulatory Requirements

The proposed amendment will allow increases of fees for postage and packaging for licenses ordered by mail, fax or the Internet by order of the Executive Director.

4. Persons Affected

Individuals applying for hunting or furtaking licenses by mail, fax or the Internet may be affected by the proposed amendment.

5. Cost and Paperwork Requirements

The proposed amendment may result in additional cost to license buyers for postage and packaging.

Effective Date

The proposed 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 these proposed amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS, Executive Director

Fiscal Note: 48-136. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.50. Definitions.

The following words and terms, when used in this section and §§ 135.49 and 135.51—135.56, have the following meanings, unless the context clearly indicates otherwise:

ATV—All-terrain vehicle—A [motorized vehicle] Class I ATV as defined in 75 Pa.C.S. § 7702(1)[—] and (3) (relating to definitions), or a motorized off-highway vehicle 58 inches or less in width, having a dry weight of 900 pounds or less traveling on four or more low-pressure tires and having a bench seat, which complies with restrictions in 75 Pa.C.S. § 7702(3).

* * * * *

§ 135.53. Operation of ATVs on designated State game land roads by permitted persons.

Permitted persons may operate an ATV on designated State game land roads under the following conditions:

* * * * *

(3) The ATV is registered with the Department of Conservation and Natural Resources and is displaying the valid [decal] registration plate as required under 75 Pa.C.S. [§ 7712(a) and (b) (relating to registration of snowmobiles and registration and issuance of certificates of title for ATVs)] §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.42. Big game animal hunting roster.

* * * * *

(e) Parties hunting deer [and], bear or elk shall be limited to 25 persons.

* * * * *

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter A. GENERAL

§ 143.10. Fee for return postage.

An additional fee [of \$1.50], based on prevailing first-class postage rates and set through written authorization of the Executive Director, shall be remitted by an applicant who applies for a general hunting or furtaker license by mail order, fax or over the Internet. For this fee, licenses will be returned to applicants by standard first-class mail.

[Pa.B. Doc. No. 01-2015. Filed for public inspection November 9, 2001, 9:00 a.m.]

[58 PA. CODE CH. 147]

Wildlife Rehabilitation; Special Permits

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

Amend §§ 147.301—147.304, 147.306, 147.308 and 147.309. With the advice of cooperation of the Wildlife Rehabilitation Council, the Commission wanted to apply some needed changes in the regulations to make the Commission's rehabilitation program more functional and easier to administer. These proposed amendments will help to clarify the various aspects of this program.

Amend § 147.553 (relating to permit) to establish posting requirements for farms enrolled in the deer control program.

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

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

These proposed amendments were made public at the October 2, 2001, meeting of the Commission and comments on these proposed amendments can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 28, 2001.

Proposed Amendments to §§ 147.301—147.309

1. Introduction

The Commission has had regulations relating to wildlife rehabilitation permits in Subchapter P (relating to wildlife rehabilitation) since 1992. Although the regulations have generally worked well, the Commission decided to propose some modifications. Therefore, at its meeting held on October 2, 2001, the Commission proposed amending §§ 147.301—147.304, 147.306, 147.308 and 147.309. These amendments are proposed under authority contained in section 2901(b) of the code (relating to authority to issue permits).

2. Purpose and Authority

As was pointed out in the Introduction, the Commission has had regulations relating to wildlife rehabilitation permits for approximately 9 years. The Commission has decided to amend sections as follows:

§ 147.301—Defines “assistant” and redefines “wildlife rehabilitation.”

§ 147.302(a)(5)—Authorizes rehabilitator use of unlicensed volunteers.

§ 147.302(b)—Authorizes the holding of injured wildlife by a licensed veterinarian for up to 48 hours before notifying the Commission and requires transfer to a licensed rehabilitator.

§ 147.302(j)—Allows disposal of terminated wildlife in an appropriate manner.

§ 147.302(k)—Requires submission of a copy of permit records annually by July 30.

§ 147.302(o)—Makes renewal of permit contingent upon compliance with all relevant legal requirements.

§§ 147.303(b)(6) and 147.304(a)(1)(iv)—Changes “passerines” to “nonraptor” avian species for purposes of identifying types of wildlife.

§§ 147.303(b)(7) and 147.304(d)—Eliminates the master class of permit.

§ 147.304(c)(1)(ii)—Eliminates the requirement of passing a written test and requires submission of photographs or a videotape of the permittee’s facility.

§ 147.306(b)(4)—Allows submission of a videotape of facilities for endangered or threatened species certification.

§ 147.306(c)—Requires attendance at a certification workshop or seminar for endangered or threatened species certification.

§ 147.308(a)—Allows approval by the council and the Commission of equivalent training for certification.

§ 147.309(d)(3)—Prohibits free flying by any species not just avian species.

Section 2901(b) of the code authorizes the Commission to “. . . as deemed necessary to properly manage the game or wildlife resources, . . . promulgate regulations for the issuance of any permit and . . . to control the activities which may be performed under authority of any permit issued.” This section authorizes the proposed amendments.

3. Persons Affected

Individuals wishing to engage in wildlife rehabilitation activities will be affected by the proposed amendments.

4. Cost and Paperwork Requirements

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

Proposed Amendment to § 147.553

1. Introduction

The Commission, at its June 12, 2001, meeting, finally adopted the deletion of § 139.16. Posting of deer damage areas under § 139.16 was a prerequisite to obtaining a deer control permit under Subchapter R (relating to deer control). As a result, the Commission, at its October 2, 2001, meeting proposed amending § 147.553 by adding paragraph (3) requiring posting of the property. Section 2901(b) of the code authorizes the Commission to promulgate regulations to control activities performed under authority of a permit.

2. Purpose and Authority

As a result of the Commission’s adopting of concurrent antlerless and antlered deer seasons, the need for a special season for deer damage areas was eliminated and § 139.16 was deleted. Participation in the deer damage farm program, including posting of the property involved, was a prerequisite to obtaining an agricultural deer control permit under Subchapter R. The Commission has decided to retain the posting requirement of the deer damage farm program and has therefore proposed adding the posting requirement to § 147.553.

Section 2901(b) of the code authorizes the Commission to promulgate regulations to control activities which may be performed under the authority of a permit. This section provides the authority for the proposed amendment.

3. Regulatory Requirements

The proposed amendment will continue the requirement that signs be posted on boundaries and along public roads identifying a farm as experiencing deer damage as a prerequisite to obtain an agricultural deer control permit.

4. Persons Affected

Individuals owning or leasing farms experiencing deer damages and hunters desiring to hunt on the land would be affected by the proposed amendments.

5. Cost and Paperwork Requirements

The proposed amendments will continue an existing requirement and therefore should not result in any additional cost or paperwork.

Effective Date

The proposed amendments 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 amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-137. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter P. WILDLIFE REHABILITATION

§ 147.301. Definitions.

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

Assistant—Individuals appointed by the wildlife rehabilitator to provide food and housing for wildlife being rehabilitated.

* * * * *

Wildlife rehabilitation—The treatment and temporary care [provided for injured or displaced wildlife] care of injured, diseased and displaced wildlife, and the subsequent release of healthy wildlife to appropriate habitats in the wild.

* * * * *

§ 147.302. General.

(a) The Director may issue a permit to an individual who meets the requirements of 34 Pa.C.S. § 2901(a) (relating to authority to issue permits) and this subchapter for the purpose of wildlife rehabilitation, wildlife capture and transportation, and educational use of rehabilitation wildlife.

* * * * *

(5) Permitted wildlife rehabilitators may use unlicensed volunteers under their supervision, at their facility, provided that they maintain current records including name, address and phone number.

(b) A licensed veterinarian may accept injured wildlife for emergency treatment without a permit, if the wildlife is not held for more than 48 hours before [transfer to] contacting the Commission or a wildlife rehabilitator. Wildlife shall be transferred to a properly permitted rehabilitator as soon as specialized veterinarian care is not required. This period may be extended by the district wildlife conservation officer if necessary for completion of the emergency treatment.

* * * * *

(j) Wildlife which is terminated shall be surrendered to the Commission as required, or disposed of in an appropriate manner.

(k) Records shall be kept by the permittee on forms supplied by the Commission and a copy shall be submitted annually with the application for permit renewal by July 30.

* * * * *

(o) The renewal of a permit is contingent upon the permittee's compliance with relevant State and Federal statutes and this subchapter. Failure to comply with one or more conditions of the permit or this [subsection] subchapter will be sufficient cause for recall of the permit.

§ 147.303. Permit applications.

* * * * *

(b) Each application shall include the following:

* * * * *

(6) The type of wildlife. (Mammals, [passerines] nonraptor avian species, raptors [or] of all species).

(7) The permit class. (Novice [,] or general [or master]—wildlife rehabilitation only).

* * * * *

§ 147.304. Wildlife rehabilitation permits.

(a) *Wildlife rehabilitation permits.* Wildlife rehabilitation permits will be limited as follows:

(1) A maximum of two permits, including all classes, covering all species may be issued for each county with the following exceptions:

* * * * *

(iv) Due to the issuance of permits which limit rehabilitation to specific types of wildlife (mammals, [passerines] nonraptor avian species or raptors), the number of permits issued would not exceed two of any specific species listed in this subparagraph, unless excepted by subparagraph (i), (ii) or (iii).

* * * * *

(c) *General class wildlife rehabilitation permits.*

(1) *Qualifications.*

* * * * *

(ii) [The applicant shall successfully pass a written examination administered by the Bureau of Law Enforcement.] Submit photographs or videotape with commentary of the permittee's facility to the Bureau of Law Enforcement for review by the council.

* * * * *

[(d) *Master class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) The applicant shall have actively rehabilitated wildlife for at least 5 years as a general class wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of Law Enforcement.

(ii) The applicant shall successfully pass a written examination administered by the Bureau of Law Enforcement.

(iii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council.

(2) *Permit conditions.*

(i) A permittee claiming equivalent experience under qualifications may not accept wildlife for rehabilitation prior to a facility's inspection and approval by the district wildlife conservation officer.

(ii) A permittee may accept wildlife as authorized by the permit, including endangered or threatened species, if additionally certified, for the purpose of rehabilitation.

(iii) A master class wildlife rehabilitator may not list more than 15 capture and transportation permittees on its permit.

(iv) A master class wildlife rehabilitator may not appoint more than 15 responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It is the permittee's responsibility to notify the Bureau of Law Enforcement in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of Law Enforcement. A request shall be in writing with justification for an increase.]

§ 147.306. Endangered or threatened species certification.

* * * * *

(b) The request shall include:

* * * * *

(4) A description and photograph or videotape of facilities available.

(c) [The applicant shall successfully pass a written examination administered by the Bureau of Law Enforcement.] Attend a certification workshop or seminar as established by council and the Bureau of Law Enforcement.

§ 147.308. Training and education requirements.

(a) A wildlife rehabilitator and capture and transportation permittee will be required to attend a minimum of one training program or symposium conducted by the Council or the Commission within a 2-year period when this training is made available, or an equivalent training as approved by council.

* * * * *

§ 147.309. Educational use of rehabilitation wildlife permits.

* * * * *

(d) Permit conditions are as follows:

* * * * *

(3) Human contact may not be permitted with the wildlife and the wildlife shall be restrained to preclude danger to the public or injury to the specimen. Free flying of [an avian] any species is prohibited.

* * * * *

Subchapter R. DEER CONTROL AGRICULTURE

§ 147.553. Permit.

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

* * * * *

(3) Posting. Deer control permit signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting shall be completed prior to February 1.

(4) * * *

[Pa.B. Doc. No. 01-2016. Filed for public inspection November 9, 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 31, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-26-01	F.N.B. Corporation, Naples, FL, to acquire up to 20.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove, PA	Naples, FL	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-01	Northwest Savings Bank Warren Warren County Purchase of assets/assumption of liabilities of one branch of Prestige Bank, F.S.B., Pittsburgh, Located at: 125 West Beau Street Washington Washington County	Warren	Effective
10-24-01	Northwest Savings Bank Warren Warren County Purchase of assets/assumption of liabilities of two branch offices of Sun Bank, Selinsgrove, located at: 2 East Fourth Street Emporium Cameron County	Warren Johnsonburg Plaza Route 219 Johnsonburg Elk County	Approved
10-25-01	Northwest Savings Bank Warren Warren County Purchase of assets/assumption of liabilities of one branch office of Reliance Savings Bank, Altoona, located at: 873 Lovell Avenue Ebensburg Cambria County	Warren	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-01	Northwest Savings Bank Warren Warren County	950 E. Main Street Bradford McKean County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-24-01	First Commonwealth Bank Indiana Indiana County	127 S. Julian St. Bedford Bedford County	Filed
10-24-01	First Commonwealth Bank Indiana Indiana County	100 Plaza South New Castle Lawrence County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2017. Filed for public inspection November 9, 2001, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Bureau of Forestry; Wildfire Hazard Mitigation Federal Assistance Grant Program

The Department of Conservation and Natural Resources (DCNR) has announced that funding is available for grants to help Commonwealth forested communities guard against the threat of wildfires.

The program provides matching grants to communities under the National Fire Plan under section 10(b)3 of the Cooperative Forestry Assistance Act of 1978 (Volunteer Fire Assistance). Only those communities that are in the Pennsylvania Firewise Community program are eligible to receive grant funding.

DCNR is announcing an application period for these grants. The cut off date for submitting applications for the first round funding is 4 p.m. on December 17, 2001. The total amount available to Pennsylvania Firewise Communities is \$425,000. If there are funds uncommitted and available after the first round funding decisions, DCNR may offer a second round of funding, which will

begin at 8 a.m. on December 18, 2001. Second round applications will be considered on a first come first serve basis. This second round of funding will close at 4 p.m. on June 30, 2002.

This is a cost-share program. Financial assistance on any project during any fiscal year cannot exceed 50% or \$40,000, whichever is less, of the actual expenditures including expenditures of local, public and private non-profit organizations participating in the agreement.

The maximum grant to be considered for this program is \$40,000 per community.

Communities, municipalities and all persons interested in applying for, or have questions about this grant program, should request application materials from the Department of Conservation and Natural Resources, Bureau of Forestry, Division of Forest Fire Protection, P. O. Box 8552, Harrisburg, PA 17105-8552. Individuals may also contact the Division of Forest Fire Protection at (717) 787-2925 or in person at the 6th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, between 8 a.m. and 4 p.m.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 01-2018. Filed for public inspection November 9, 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

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-0062570 Sewage Municipal	Covington Township Sewer Authority Box 266 Moscow, PA 18444	Lackawanna Covington Township	Roaring Brook Creek (Watershed 5A)	Yes
PA-0062065 Sewage Nonmunicipal	Connwest Freight Systems, Inc. 3456 St. John Road Lima, OH 45804-4019	Luzerne Dorrance Township	Balliet Run (watershed #5B)	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>
PA0086916	Gerald L. Wolfe Wolfe's Auto Service 3063 Lebanon Road Manheim, PA 17545-8941	Lancaster County Rapho Township	Dry swale of Shearer's Creek/7-G	Y
PA0246417	Harold E. Miller State Line Sales, Inc. 2632 Robert Fulton Highway Peach Bottom, PA 17563	Lancaster County Fulton Township	UNT to Conowingo Creek/ 7-K	Y
PA0080209	Hoffman Homes, Inc. 815 Orphanage Road Littlestown, PA 17340	Adams County Mt. Joy Township	Lousey Run/13-D	Y
PA0084816	Sun Pipeline Co. Montello Pump Station 1801 Market Street-15/10PC Philadelphia, PA 19103	Berks County Spring Township	Swale to tributary of Cacoosing Creek/3-C	Y
PA0081787	Telco Developers Inc. Gretna Spring MHP 5 Maple Ave. Manheim, PA 17545	Lebanon County Cornwall Township	Chickies Creek/7G	Y

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

PA0005622, Industrial Waste. **Bessemer & Lake Erie Railroad**, 471 Race Street, Greenville, PA 16125. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed discharge of cleaning wastes 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 the Reynolds Water Company on Shenango River located at River Mile 55.7, approximately 2.8 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0003 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow	XX				
TSS			30		60
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

Outfall 002 is for stormwater only.

XX—Monitor and report.

The EPA Waiver is in effect.

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

Standard Storm Water Conditions.

PA0029114, Sewage. **Clintonville Borough Sewer and Water Authority**, P. O. Box 292, Clintonville, PA 16372. This proposed facility is located in Clintonville Borough, **Venango County**.

Description of Proposed Activity: renewal for an existing discharge.

The receiving stream, Scrubgrass Creek, is in watershed 16-G and classified for: Cold Water 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 the Emlenton Water Company on the Allegheny River located at river mile 90.0 and is located 21.0 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.06500.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	11		22.0
(11-1 to 4-30)	33.0		66.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		9,900/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0033421, Sewage. **Kamping and Recreational Enterprises, Inc.**, 1337 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

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

The receiving stream, unnamed tributary to Pine Run, 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 Beaver Falls Municipal Authority on the Beaver River located at river mile 3.8 and is located 31.5 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00500 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25		50
Total Suspended Solids	30		60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21.0
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0005045, Industrial Waste. The Cleveland Electric Illuminating Company—Seneca Generating Station, Kinzua Reservoir, P. O. Box 126, Warren, PA 16365. This proposed facility is located in Mead Township, Warren County.

Description of Proposed discharge: noncontact cooling water, miscellaneous wastewater and stormwater, is in watershed 16-B 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 the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 104 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.49 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Total Residual Chlorine			0.26		0.8
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 002 are based on a design flow of 5.5 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Total Residual Chlorine			0.26		0.8
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 003 are based on a design flow of 0.033 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
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 004 are based on a design flow of 0.77 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Total Residual Chlorine			0.26		0.8
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 005 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	

This shall be uncontaminated stormwater runoff only. Refer to Special Condition C.

The proposed effluent limits for Outfall 007 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

This shall be uncontaminated stormwater runoff only. Refer to Special Condition C.

The proposed effluent limits for Outfall 008 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

This shall be uncontaminated stormwater runoff only. Refer to Special Condition C.

XX—Monitor and report.

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

1. DMR Reporting
2. Temperature Change
3. Effluent Chlorine Minimization
4. Storm Water Only Outfalls

The EPA Waiver is in effect.

PA0209945, Sewage, **Widad Bazzoui SRSTP**, 565 Minard Run Road, Bradford, PA 16701-3764. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Activity: renewal of treated sewage at a single residence.

The receiving stream, unnamed tributary to Minard Run, is in watershed 16-C and classified for: exceptional value (according to 1/13/01 version of Chapter 93), 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 public water supply by the State of New York which is located at 9.55 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.000400 GPD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (all year)	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.

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

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

No. PA0055875, Sewage, **The Upper Hanover Authority**, Pillsbury Road and State Street, P. O. Box 205, East Greenville, PA 18041.

This application is for renewal/expansion of an NPDES permit to discharge treated sewage from Macoby Creek Wastewater Treatment Plant in Upper Hanover Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Macoby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.075 MGD are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10	15	20
Suspended Solids	10	15	20
Ammonia (as N)	3.0		6.0
Phosphorus (as P) (4-1 to 10-31)	1.0		2.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (Years 1—3) (Years 4—5)	Monitor/Report 0.1		Monitor/Report 0.4
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

The closest public drinking water intake is located 27 miles downstream on the Schuylkill River.

No. PA0011011, Industrial Waste, **Plymouth Tube Company**, P. O. Box 768, Warrentville, IL 60555-0768.

This application is for renewal of an NPDES permit to discharge treated groundwater from groundwater remediation system in Horsham Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Park Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 28,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	500	1,000	1,500
Trichloroethylene	0.005	0.01	0.015
pH	Within limits of 6.0—9.0 Standard Units at all times		
NO ₂ and NO ₃	9	18	23

The proposed effluent limits for stormwater Outfall 002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		Report	
COD		Report	
Oil and Grease		Report	
pH		Report	
Total Suspended Solids		Report	
Total Kjeldahl Nitrogen		Report	
Total Phosphorous		Report	
Iron (Dissolved)		Report	

The EPA Waiver is in effect.

No. PA0050407, Sewage, **Bryn Mawr Rehabilitation Hospital**, 414 Paoli Pike, Malvern, PA 19335.

This application is for renewal of an NPDES permit to discharge treated sewage from Bryn Mawr Rehabilitation Center STP in Willistown Township, **Chester County**. This is an existing discharge to tributary to Ridley Creek—3G Watershed.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.020 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N) (5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.5	21.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

No. PA0055476, Sewage, **Chadds Ford Township Sewer Authority**, P. O. Box 816, Chadds Ford, PA 19317.

This application is for renewal of an NPDES permit to discharge treated sewage from an STP in Chadds Ford Township, **Delaware County**. This is an existing discharge to UNT to Harvey's Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of .08 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	15	20
Suspended Solids	10	15	20
Ammonia (as N) (5-1 to 10-31)	3.0	4.5	6.0
(11-1 to 4-30)	9.0	13.5	18.0
Total Residual Chlorine	0.12		0.28
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum 3 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

The EPA Waiver is in effect.

No. PA0056537, Industrial Waste, **Highway Materials, Inc.**, 680 Morehall Road, Malvern, PA 19355.

This application is for renewal of an NPDES permit to discharge stormwater from a hot mix asphalt plant in East Whiteland Township, **Chester County**. This is an existing discharge to UNT to Valley Creek.

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor/Report	Monitor/Report	
Suspended Solids	Monitor/Report	Monitor/Report	
Oil and Grease	Monitor/Report	Monitor/Report	
Temperature	Monitor/Report	Monitor/Report	
pH	Monitor/Report	Monitor/Report	
COD	Monitor/Report	Monitor/Report	
Total Kjeldahl Nitrogen	Monitor/Report	Monitor/Report	
Total Phosphorous	Monitor/Report	Monitor/Report	
Iron (Dissolved)	Monitor/Report	Monitor/Report	
Napthalene	Monitor/Report	Monitor/Report	
Trichloroethylene	Monitor/Report	Monitor/Report	
Benzene	Monitor/Report	Monitor/Report	

Other Conditions:

The EPA Waiver is in effect.

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

PA#0061841, Industrial, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888. This proposed facility is located in Carbondale Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, Racket Brook, is in the State Water Plan watershed #5A and is classified for: cold water fishery. The nearest downstream public water supply intake for Danville Borough Water Authority is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.182 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>
Total Suspended Solids			30.0	60.0
Total Aluminum			1.2	2.4
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
pH			6—9 Standard Units	

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

Application No. PA 0010502, Industrial Waste 3489, 3471 and 3483, **Letterkenny Army Depot**, One Overcash Avenue, Building 618, Chambersburg, PA 17201. This facility is located in Greene Township, **Franklin County**.

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

The receiving stream, Rowe Run, is in Watershed 7-B and classified for cold 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 44.93 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 0.290 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report	Monitor and Report	XXX	XXX	XXX
pH (S.U.)		From 6.0 to 9.0 inclusive			25
Oil and Grease	Monitor and Report	Monitor and Report	15	30	30
Total Suspended Solids	24	48	10	20	25
CBOD ₅	48	97	20	40	50
Total Phosphorus	4.8	9.7	2.0	4.0	5.0
Total Cadmium	0.007	0.014	0.003	0.006	0.0075
Total Chromium	1.93	3.87	0.80	1.6	2.0
Total Copper	0.097	0.19	0.040	0.080	0.10
Total Lead	0.034	0.068	0.014	0.028	0.035
Total Nickel	0.609	1.22	0.252	0.504	0.63
Total Silver	0.005	0.010	0.00022	0.00044	0.00055
Total Zinc	0.53	1.05	0.218	0.436	0.545
Interim Phenanthrene	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Final Phenanthrene	0.0046	0.0092	0.0019	0.0038	0.0047
Total Toxic Organics	XXX	Monitor and Report	XXX	2.13	XXX

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

Part C requirements for toxics are briefly listed as:

1. Water quality based effluent goals for Phenanthrene.
2. Requirements to submit the first phase of a toxics reduction evaluation within 2 years of permit issuance.
3. Conditions for future permit modifications.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

The proposed effluent limits for stormwater Outfall 004 are:

Monitor and Report concentrations of CBOD₅, COD, TSS, Total Phosphorus, Total Kjeldahl Nitrogen, Dissolved Iron, Oil and Grease, pH, Total Cadmium, Total Chromium, Total Copper, Total Lead, Total Nickel, Total Silver, Total Zinc, Total Cyanide and TTO.

The receiving stream of an unnamed tributary to Conococheague Creek, is in Watershed 13-C and classified for cold water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, Maryland is located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for stormwater Outfall 002 are:

Monitor and report concentrations of CBOD₅, COD, TSS, Total Phosphorus, Total Kjeldahl Nitrogen, Dissolved Iron, Oil and Grease and pH.

The receiving stream of an unnamed tributary to Rocky Spring Branch, is in Watershed 13-C and classified for trout stocking fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, Maryland is located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for stormwater Outfall 005 are:

Monitor and report concentrations of CBOD₅, COD, TSS, Total Phosphorus, Total Kjeldahl Nitrogen, Dissolved iron, Oil and Grease and pH.

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

The EPA waiver is not in effect.

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

PA0043648, Industrial Waste, SIC, 1221, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748.

This application is for Renewal of an NPDES permit to discharge treated process water, sewage and stormwater from a coal cleaning plant in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Cherry Run, 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 The Saltsburg Municipal Water Authority, located at Saltsburg, 30 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.29 mgd. Interim Limits

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			35		70
Iron			3.5		7.0
Manganese			2.0		4.0
Selenium			Monitor and Report		
Sulfates			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: A toxics reduction evaluation for selenium is necessary.

Outfall 001: existing discharge, design flow of 0.29 MGD. Final Limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			35		70
Iron			3.5		7.0
Manganese			2.0		4.0
Selenium			0.013		0.026
Sulfates			674.0		1,348.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.002 mgd.

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

The EPA waiver is in effect.

PA0031313, Sewage, **Brownsville Area School District**, 6353 National Pike, Grindstone, PA 15442.

This application is for renewal of an NPDES permit to discharge treated sewage from Colonial Elementary School Sewage Treatment Plant in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Colvin Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Pennsylvania American Water Company on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.0105 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096512, Sewage, **Mt. Morris Water and Sewer Authority**, P. O. Box 340, Mt. Morris, PA 15349.

This application is for renewal of an NPDES permit to discharge treated sewage from Mt. Morris Wastewater Treatment Plant in Perry Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0	10.5		14.0
(11-1 to 4-30)	21.0	31.5		42.0
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
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.

PA0020141, Sewage, **Brookville Municipal Authority**, Darrah Street, Brookville, PA 15825. This proposed facility is located in Brookville, **Jefferson County**.

Description of Proposed Activity: A Part I NPDES Permit for an existing discharge.

The receiving stream, Redbank Creek, is in watershed 17C and classified for: trout stock fishery (TSF), 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 the Hawthorn Borough Water Company intake on Redbank Creek located at Hawthorn Borough, approximately 17 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.25 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	5.5		11.0
(11-1 to 4-30)	16.0		32.0

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 22,000/100 ml as a geometric average	
Total Residual Chlorine (Final)	0.2		0.6
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 and Section II lists oil and gas related permit applications.

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

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

WQM Permit No. 2301411, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow

Rd., Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station in an existing single-family residential development.

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

WQM Permit No. 4801404, Sewerage, **Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Upper Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: The project includes accepting dedication of the already constructed West End Pump Station and Force Main to Nazareth Borough Municipal Authority. The pump station was sized to provide service to Creekside Estates as well as surrounding areas. The peak flow design capacity of the pump station is 600 GPM. Based on a peaking factor of 3.5, an average daily flow of 206,000 GPD can be accommodated. An 8 inch diameter force main extends approximately 5,600 feet from the pump station in an easterly direction to Gracedale Avenue and then northerly and discharges to the Nazareth Borough Municipal Authority sewer system at Stout Blvd.

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

WQM Permit No. 3801407, Sewerage, **Kristie Smoker**, R. D. 3, Box 471A, Annville, PA 17003. This proposed facility is located in North Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction of Small Flow Sewage Treatment System to serve a single family residence on Valley Glen Road.

WQM Permit No. 0501407, Sewerage, **Dr. James J. Glah**, 50 N. Hopwell Road, Everett, PA 15537. This proposed facility is located in Monroe Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a Small Flow Sewage Treatment System to serve a single family residence on Black Valley Road.

WQM Permit No. 0701405, **Northern Blair County Regional Sewer Authority**, Washington Avenue and 3rd Street, R. R. 4, Box 236A, Tyrone, PA 16686. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Construction of the Ardie J. Dillon Industrial Park II Pump Station and Force Main.

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

Application No. 2685202, Industrial Waste, **Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. Application for the installation of a wastewater treatment system to serve the Connellsville West Side Facility, located in the City of Connellsville, **Fayette County**.

Application No. 0201412, Sewerage, **Kennedy Township Sewage Authority**, 340 Forest Grove Road, Coraopolis, PA 15108. Application for the modification of the Porters Hollow Pumping Station, serving Porters Hollow Road, Ewing Road, Forest Grove Road and Diebold Road, located in Kennedy Township, **Allegheny County**.

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.

Luzerne County Conservation District: 485 Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10R040	NBC Seventh Realty Group Attn: Ken Downey 770 Cochituate Rd. Framingham, MA 01701	Luzerne County Pittston Township	Spring Brook, HQ-CWF Lidy Creek, CWF Collins Creek, CWF

Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS107422	Waymart Area Authority P. O. Box 3300 Waymart, PA 18472-0224	Wayne County Waymart Borough Canaan Township	Tributary to Middle Creek HQ-CWF, MF Van Auken Creek HQ-TSF, MF

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

NPDES Permit PAS100247, Stormwater. **Louis Pappan**, Four Ways Properties, LTD, 1198 Mulberry Street, Bridgewater, PA 15009 has applied to discharge stormwater associated with a construction activity located in South Beaver Township, **Beaver County** to UNT North Fork Little Beaver Creek/HQ-CWF.

Beaver County Conservation District: 1000 3rd Street, Suite 202, Beaver, PA 15009-2626, (724) 774-7090.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS100247	Louis Pappan Four Ways Properties, LTD 1198 Mulberry Street Bridgewater, PA 15009	Beaver County South Beaver Township	UNT North Fork Little Beaver Creek/HQ-CWF

PUBLIC WATER SUPPLY 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).

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

Permit No. 0601518, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks
Responsible Official	Anthony J Consentino, Executive Director 815 Washington Street Room 1-21 Reading, PA 19601
Type of Facility	Public Water Supply
Consulting Engineer	Thomas L. Weld Jr, P.E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Application Received Date	October 5, 2001
Description of Action	Installation of new corrosion control treatment facilities.

Permit No. 0601517, Public Water Supply.	
Applicant	Citizens Utilities Water Company of PA
Municipality	Amity Township
County	Berks
Responsible Official	Darryl A Jenkins, Manager 4 Wellington Blvd. Wyomissing Hills, PA 19610
Type of Facility	Public Water Supply
Consulting Engineer	Steven E. Riley, P.E. Spotts Stevens and McCoy 345 North Wyomissing Boulevard Reading, PA 19530-0307
Application Received Date	October 3, 2001
Description of Action	Reconstruction of Douglasville Well 12 and rerating to 120 gallons per minute.

Permit No. 0601519, Public Water Supply.	
Applicant	Citizens Utilities Water Company of PA
Municipality	South Heidelberg Township
County	Berks
Responsible Official	Brian Hassinger P. O. Box 6342 4 Wellington Blvd. Wyomissing, PA 19610
Type of Facility	Public Water Supply
Consulting Engineer	Daniel J Castellani, P.E. Entech Engineering Inc 4 South 4th Street 4 Wellington Blvd. Reading, PA 19603
Application Received Date	October 16, 2001
Description of Action	Cushion Peak booster pump station.

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

Permit No. 5026504, Public Water Supply.	
Applicant	Aqua Filter Fresh, Inc. P. O. Box 14128 One Commerce Drive Pittsburgh, PA 15239
Responsible Official	Doug Hupe, Vice President Aqua Filter Fresh, Inc. P. O. Box 14128 One Commerce Drive Pittsburgh, PA 15239
Type of Facility	Bottled water distribution
Consulting Engineer	R. F. Mitall & Associates, Inc. 117 Sagamore Hill Road Pittsburgh, PA 15239
Application Received Date	October 5, 2001
Description of Action	Tyler Mountain Water

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

Permit No. 2501503, Public Water Supply.
 Applicant **Wattsburg Borough**
 14431 Main Street
 Wattsburg, PA 16442
 Township or Borough **Wattsburg Borough, Erie County**
 Responsible Official Gene Combs, Council President
 Type of Facility PWS
 Consulting Engineer Bruce D. Patterson, P.E.
 Northwest Engineering Inc.
 P. O. Box Q
 Tidioute, PA 16351
 Application Received Date October 16, 2001
 Description of Action Construction of a water well source, water distribution system and small control/treatment building.

MINOR AMENDMENT

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

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

Application No. 1094506-MA1, Minor Amendment.
 Applicant **Saxonburg Area Authority**
 420 West Main Street
 Saxonburg, PA 16056
 Township or Borough **Clinton Township, Butler County**
 Responsible Official Michael A. Thomas, Manager
 Type of Facility PWS
 Consulting Engineer Ronald Olsen, P.E.
 Olsen Engineering and Associates
 126 South Main Street
 Butler, PA 16001
 Application Received Date October 18, 2001
 Description of Action Construct elevated water storage tank at Victory Road Business Park.

Application No. 6190503-MA4, Minor Amendment.
 Applicant **Sandycreek Township General Authority**
 R. D. #4, Box 900
 Franklin, PA 16323.
 Township or Borough **Sandycreek Township, Venango County**
 Responsible Official Marlin Kennedy, Chairperson
 Type of Facility PWS
 Consulting Engineer Stone Consulting and Design, Inc.
 324 Pennsylvania Avenue West
 P. O. Box 306
 Warren, PA 16365.

Application Received Date October 23, 2001
 Description of Action Install 10,000 LF of water distribution line with 43 services and 500,000 gallon standpipe storage 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 Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordina-

tor 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.

Maffeo Spill (Reading Blue Mountain and Northern Railroad Company Property), Cressona Borough, **Schuylkill County**. James Drasher, Manager of Environmental Services, Aqua-Terra Environmental, Ltd., P. O. Box 4099, Reading, PA 19606 has submitted a Notice of Intent to Remediate (on behalf of his client, Carl Maffeo, North Garfield Avenue, Schuylkill Haven, PA 17972) concerning the remediation of soils, sediment and surface water found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was expected to be published in the *Pottsville Republican & Evening Herald* on October 6, 2001.

PPL—Siegfried Substation, Allen Township, **Northampton 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 Allentown's *The Morning Call* on or about October 19, 2001.

S.O.L.I.D.A. (Susquehanna, Oakland, Lanesboro Industrial Development Authority) Property, Oakland Township, **Susquehanna County**. Martin Gilgallon, P.G., Project Hydrogeologist, Pennsylvania Tectonics, Inc., 333 Enterprise Street, Dickson City, PA 18519 has submitted a Notice of Intent to Remediate (on behalf of his client, SOLIDA, R. R. 2, Box 49-A, Susquehanna, PA 18847) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with petroleum hydrocarbons, lead and other metals. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was expected to be published in the *Scranton Times* on October 24, 2001.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Chelsea Building Products, Oakmont, **Allegheny County**. Gregory J. Gromicko, Earth Sciences Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Chelsea Building Products, 565 Cedar Way, Oakmont, PA 15139) has submitted a Notice of Intent to Remediate groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on October 17, 2001.

Weiss Brothers Property (former), City of McKeesport, **Allegheny County**. Charles Haefner, Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of GLS Development, Inc., 460 E. Pittsburgh-McKeesport Blvd., North Versailles, PA 15137) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, solvents, SVOCs and VOCs. The applicant pro-

poses to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *McKeesport Daily News* on October 1, 2001.

The Glosser Property, Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of The David A. Glosser Foundation, 72 Messenger Street, Johnstown, PA 15901 and The Sheesley Supply Company, Inc., 837 Horner Street, Johnstown, PA 15907) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, PAHs, solvents and VOCs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Johnstown Tribune Democrat* on September 28, 2001.

Exxon Terminal #2024 (former), White Township, **Indiana County**. Gary Antoinette, Geologic Services Corporation, 129 McCarrell Lane, Suite 2B, Zelienople, PA 16063 (on behalf of Exxon Mobil Ref. and Supply Company, Frank Messina, 1900 East Linden Avenue, Linden, NJ 07036) has submitted a Notice of Intent to Remediate soil contaminated with Lead, BTEX, Naphthalene and Cumene. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Indiana Gazette* on August, 20, 2001.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

RENEWAL APPLICATIONS RECEIVED

Geisinger System Services, 100 North Academy Avenue, Danville, PA 17822. License No. **PA-HC 0141**. Received on October 21, 2001.

Medical Waste Systems, Inc. d/b/a Bio Systems, 380 Constance Drive, Warminster, PA 18974. License No. **PA-HC 0073**. Received on October 18, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 100904. Centre County Solid Waste Authority, 253 Transfer Road, Bellefonte, PA 16823, for the Dale Summit Transfer Station located in College Township, **Centre County**. Application received for a major permit modification for radiation

protection action plan. The application was received by the Williamsport Regional Office on October 9, 2001.

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

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

Permit Application No. 101669. Practical Environmental Solutions, Inc., Southpointe-Plaza II, 380 Southpointe Blvd., Suite 140, Canonsburg, PA 15317. Imperial Processing Facility, Southpointe-Plaza II, 380 Southpointe Blvd., Suite 140, Canonsburg, PA 15317. A Major Permit Modification application for a Radiation Protection Action Plan at a municipal waste processing facility in Findlay Township, **Allegheny County** was received in the Regional Office on October 24, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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 to 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.

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

14-00002B: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) for construction of a stone crusher, the fugitive particulate matter from which will be controlled by an existing air cleaning device (a fabric collector) in Spring Township, **Centre County**.

14-00002C: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) for construction of a stone screen, the fugitive particulate matter from which will be controlled by an existing air cleaning device (a fabric collector), in Spring Township, **Centre County**. This screen is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

14-00002D: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 166823) for construction of a lime coproduct agricultural amendment processing operation (CalAg system) in Spring Township, **Centre County**.

49-00024A: Sunbury Property, LLC, owner and Knight-Celotex, LLC, operator (1400 Susquehanna Avenue, Sunbury, PA 17801) to modify a fiberboard laminating operation by increasing the allowable volatile organic compound emission rate from 2.7 tons per 12 consecutive month period to 10 tons per 12 consecutive month period in the City of Sunbury, **Northumberland County**.

19-00006B: H. J. Heinz Co., LP (6670 Low Street, Bloomsburg, PA 17815) for modification of three natural gas/#6 fuel oil-fired boilers by increasing their allowable #6 oil usage in South Centre Township, **Columbia County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-00037H: Cabot Performance Materials (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) for modification of two existing Niobium (Nb) processing lines into lines capable of processing Tantalum (Ta) or (Nb), augmenting the three existing Ta lines and a fourth

unpermitted Ta line; modification of the existing processes capable of performing the extraction step in the Atlas boxes and the stripping step in the Quinn unit; utilize any combination of Atlas boxes/Quinn unit to recover Ta/Nb metals; increase the annual production rate from 2.8 million pounds of Potassium Tantalum fluoride (K₂TaF₇) to 4.6 million pounds of K₂TaF₇ per year; and installation of two MIBK Recovery Units (one operates as the primary unit and the other as a secondary unit) at their facility in Douglass Township, **Montgomery County**.

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

58-313-001A: Envirocycle, Inc. (P. O. Box 899, Hallstead, PA 18822) for installation and operation of a new baghouse to further control particulate emissions from the existing blending and conveying systems in Great Bend Township, **Susquehanna County**. The new baghouse will reduce emissions to 0.008 grains/SCF of Particulate. The Department will place a condition for the facility to monitor the pressure drop across the baghouse and keep a sufficient number of spare bags on hand. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has an Operating Permit 58-313-001.

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

06-05065A: Glen Gery Corp. (423 South Pottsville Pike, Shoemakersville, PA 19555) for a brick manufacturing facility controlled by various fabric collectors in Perry Township, **Berks County**. The facility is subject to Title V. The facility has the potential to emit the following: particulate—106 tons per year, sulfur dioxide—200 tons per year and Hazardous Air Pollutants—350 tons per year. The operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

28-05001: Martin's Famous Pastry Shoppe, Inc. (1000 Potato Roll Lane, Chambersburg, PA 17201) for installation of two bakery oven lines controlled by a catalytic oxidizer in Guilford Township, **Franklin County**. The oven lines replace two older uncontrolled units. Potential emissions from the non-Title V facility will not increase significantly and the existing 50-ton/year cap on VOC emissions will remain in place. The plan approval will include provisions for emission testing, monitoring, recordkeeping and reporting designed to ensure compliance with the applicable requirements.

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

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

54-00038: Hart Metals Inc. (Route 209 North, Tamaqua, PA 18252) for operation of metal products and associated air cleaning devices in Tamaqua Borough, **Schuylkill County**.

35-00021: Hendrick Manufacturing Co. (1 Seventh Avenue, Carbondale, PA 18407) for operation of an an-

nealing furnace and its associated air cleaning devices in the City of Carbondale, **Lackawanna County**.

35-00040: Karnel, Inc. (P. O. Box 453, Clarks Summit, PA 18411) for operation of a spray booth and its associated air cleaning devices in South Abington Township, **Lackawanna County**.

35-00016: Sandvik, Inc. (P. O. Box 1220, Scranton, PA 18501) for operation of two boilers and Hydrochloric Acid Tanks with scrubber and dust collector system in Scott Township, **Lackawanna County**.

45-00026: Hanson Aggregates PA, Inc. (P. O. Box 0231, Easton, PA 18044-0231) for operation of a hot mix asphalt plant with RAP System and its air cleaning devices in Hamilton Township, **Monroe County**.

40-00012: Pennsylvania Department of Correction—SCI Retreat (P. O. Box 598, Camp Hill, PA 170001) for operation of three boilers in New Port Township, **Luzerne County**.

39-00049: Acme Cryogenics, Inc. (P. O. Box 445, Allentown, PA 18105) for operation of a spray booth and a brazing operation with associated air cleaning devices in City of Allentown, **Lehigh County**.

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

67-03037: Hard Chrome Specialist, Inc. (41 Leigh Drive, York, PA 17402) for operation of both a chrome plating and nickel plating line located in Manchester Township, **York County**. The potential-to-emit chromium and nickel emissions are about 2 lbs/yr and 6 lbs/yr, respectively. The operation of the chrome plating line is subject to the Maximum Achievable Control Technology (MACT) standards adopted under 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The Natural Minor operating permit will contain monitoring and record keeping requirements designed to keep the facility operating in compliance with all the applicable air quality requirements.

67-03096: FCI USA, Inc. (25 Grumbacher Road, York, PA 17402) for operation of its electronics connectors manufacturing facility in Manchester Township, **York County**. This facility has the potential to emit about 1 ton of VOC per year and about 1 pound of total chromium per year. The Natural Minor operating permit will include emission limitations and work practice standards and monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05094: Kemps Foods, Inc. (2 West Hamilton Avenue, York, PA 17404) for operation of a 40 mmBtu/hr Keeler boiler fired by No. 4 fuel oil or natural gas in the City of York, **York County**. Facility emissions of sulfur dioxide will be limited to less than 100 tons/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.

36-3040: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570-0026) for a natural minor operating permit for their Rheems animal feed mill in Mount Joy Township, **Lancaster County**. The estimated potentials to emit are: 33.58 tpy of PM, 2.54 tpy of NO_x, 2.13 tpy of CO and .015 tpy of SO₂. The natural minor operating permit shall contain additional record

keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

50-05002: Newport School District (P. O. Box 9, Newport, PA 17074) for the operation of two coal-fired boilers at the Newport Elementary School in Newport Borough, **Perry County**. Facility emissions of sulfur dioxide will be limited to less than 100 tons/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.

50-05003: Newport School District (P. O. Box 9, Newport, PA 17074) for operation of two coal-fired boilers at the Newport High School in Newport Borough, **Perry County**. Facility emissions of sulfur dioxide will be limited to less than 100 tons/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.

34-05003: Tedd Wood, Inc. (P. O. Box 187, Johnstown Road, Thompsontown, PA 17094) for operation of a wood cabinet manufacturing facility in Delaware Township, **Juniata County**. Facility emissions of volatile organic compounds will be limited to less than 50 tons/year and hazardous air pollutant (HAP) emissions are limited to less than 10 tons/year for any single HAP or 25 tons/year for any combination of HAPs. 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.

67-05095: Osram Sylvania Inc. (1128 Roosevelt Avenue, York, PA 17404) for operation of an electronics components manufacturing facility in West Manchester Township, **York County**. Facility emissions of hazardous air pollutant (HAP) emissions are limited to less than 10 tons/year for any single HAP or 25 tons/year for any combination of HAPs. 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.

21-03003: Norfolk Southern Railway Co. (218 Enola Road, Enola, PA 17025) for a natural minor operating permit for Enola Diesel Shop at East Pennsboro Township, **Cumberland County**. The primary emissions from the sources are oxides of nitrogen (NOx) and the actual NOx emission is about 5 tons per year. Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S.

§§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

Coal Applications Received

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

549001303T and NPDES Permit #PA0224057. John E. Lucas (268 2nd Street, Tremont, PA 17981), transfer of an existing anthracite underground mine operation from M & M Anthracite Coal Company in Frailey Township, **Schuylkill County** affecting 3.0 acres, receiving stream—Middle Creek. Application received: October 15, 2001.

49861303R3. Snyder Coal Company (66 Snyder Lane, Hegins, PA 17938), renewal of an existing anthracite underground mine operation in Zerbe Township,

Northumberland County affecting 2.8 acres, receiving stream—none (no discharge). Application received: October 24, 2001.

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

33010105. Amerikohl Mining, Inc. (202 Sunset Driver, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip and auger operation in Young and McCalmont Townships, **Jefferson County** affecting 203.5 acres. Receiving streams: Three unnamed tributaries to Elk Run and Elk 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 19, 2001.

1475-33010105-E-1. Amerikohl Mining, Inc. (202 Sunset Driver, Butler, PA 16001). Application for a stream encroachment to encroach to within 25 feet of and to construct a temporary stream crossing over an unnamed tributary to Elk Run in Young and McCalmont Townships, **Jefferson County** affecting 203.5 acres. Receiving streams: Three unnamed tributaries to Elk Run and Elk 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 19, 2001.

33980110. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 122.3 acres. Receiving streams: unnamed tributaries to Mahoning Creek, 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 22, 2001.

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

32970101. Fossil Fuel, Inc., 690 Weaver Road, Marion Center, PA 15759. Permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 24.5 acres. Receiving stream: unnamed tributaries to Little Mahoning Creek classified for the following use: high quality—cold water fishery. There are no potable water supply intakes within 10 miles downstream of the discharge point. Application received: October 23, 2001.

56910104 and NPDES Permit No. PA0599255. Hardrock Coal Company, 275 Saddle Ridge Road, Berlin, PA 15530. Permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Elk Lick Township, **Somerset County**, affecting 133.4 acres. Receiving streams: unnamed tributary to Tub Mill Run, unnamed tributary to Casselman River classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received: October 22, 2001.

Noncoal Applications Received

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

09840301C6. Waste Management Disposal Services of PA, Inc. (1121 Bordentown Road, Morrisville, PA 19067), correction to an existing quarry operation in Falls Township, **Bucks County** affecting 257.0 acres, receiving stream—unnamed tributary to Delaware River. Application received: October 18, 2001.

58900302C2. Stateline Quarries, Ltd. (2183 Pennsylvania Avenue, Apalachin, NY 13732), renewal of existing NPDES Permit # PA0595471 in connection with an existing large noncoal quarry in Apolaccon Township, **Susquehanna County**, affecting 294.4 acres. Receiving streams: unnamed tributary to Apalachin Creek and Cork Hill Creek, classified as High Quality Waters. There are no known potable water supply intakes within 10 miles downstream of the point of discharge. Application received: October 17, 2001.

52980301T. ER Linde Construction Corporation (R. R. 6, Box 6825, Honesdale, PA 18431), transfer of an existing quarry operation and NPDES Permit #PA0223905 in Lackawaxen Township, **Pike County** affecting 11.8 acres, receiving stream—unnamed tributary to Little Blooming Grove Creek classified as a High Quality Stream. There are no known potable water supply intakes within 10 miles downstream of the point of discharge. Application received: October 18, 2001.

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

07010801. Randy C. Aurandt, R. D. #1, Box 229A-2, Williamsburg, PA 16693-9615, commencement, operation and restoration of a small industrial minerals (topsoil) permit in Woodbury Township, **Blair County**, affecting 14.0 acres. Receiving streams: from Frankstown Branch of the Juniata River classified for the following uses: trout stock fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 18, 2001.

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

37960301. Essroc Cement Corp. (P. O. Box 779, Bessmer, PA 16112-8928). Renewal of NPDES Permit No. PA 022718, North Beaver Township, **Lawrence County**. Receiving streams: unnamed tributary to the Mahoning River, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. NPDES Renewal application received: October 23, 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.

E51-195. John Bartram Association and Fairmount Park Commission, 54th Street and Lindbergh Boulevard, Philadelphia, PA 19030, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following activities associated with the construction of the proposed berthing facility in the vicinity of Bartram's Garden along the Schuylkill River (WWF-MF) (Philadelphia, PA Quadrangle N: 10.5 inches, W: 11.8 inches).

1. To maintain the existing facility at the Bartram's Gardens including floating boat launch platforms, a low deck structure, retaining walls, boardwalks, trails, walkways, a pedestrian bridge, drainage systems and other associated facilities within the floodplain of the Schuylkill River and along approximately 2,857 feet of shoreline between 51st and 56th Streets.

2. To construct and maintain 12 bents with associated piles, to strengthen and rehabilitate the existing seawall.

3. To install and maintain an "L" shaped 125-foot by 8-foot and 50-foot by 8-foot floating dock with associated piles. This work also includes installation of handrails and lights on the floating dock.

4. To install and maintain a 30-foot by 5-foot floating dock with associated piles downstream from the existing seawall. This work also includes installation of handrails and lights on the floating dock.

5. To install one loading platform and gangway with associated piles.

6. To install and maintain two mooring dolphins with associated piles.

7. To install and maintain a 120-foot long fender system with associated piles.

8. To modify and maintain the existing facility by installing fences, lighting fixtures, ADA wheelchair complaint hoist, benches, trash receptacles and electrical utilities. This work also includes resurfacing of the exist-

ing 660-foot long roadway and rehabilitation of the existing retaining wall with supporting bents.

Proposed work will impact a total length of approximately 400 feet along the Schuylkill River and occupy approximately 107 square feet of submerged lands. Various sizes and types of piles will be utilized for the construction of this facility.

E15-674. Chadds Ford Unionville School District, 740 Unionville Road, Kennet Square, PA 19348, Pennsbury Township, **Chester County**, ACOE Philadelphia District.

To remove an existing 24 foot long deteriorated concrete arch bridge, consisting of a 16-foot span and 10-foot underclearance and to construct and maintain a new 33-foot long concrete arch bridge consisting of a 16 foot span and 10 foot underclearance over Ring Run (WWF, MF) to accommodate road widening. The hydraulic opening of the structure will remain the same of size 16 feet wide by 10 foot high. The applicant proposes a temporary causeway crossing of the stream to facilitate construction of the new structure. The site is located at private access drive to Chadds Ford Elementary School, approximately 100 feet west of its intersection with PA SR 1 (Wilmington North DEL-PA. USGS Quadrangle, N: 22.20 inches; W: 13.80 inches).

E46-896. Esquire D. Jordan/Jan M. Jordan, 1037 East Avenue, Penllyn, PA 19422, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To relocate approximately 150 linear feet of an unnamed tributary of the Wissahickon Creek (TSF) and to construct and maintain a retaining wall and to place associated fill in 0.048 acre of adjacent wetlands (PFO) to facilitate the construction of 2 single family residences on a 0.50 acre parcel located approximately 400 feet east of the intersection of Inverness Avenue and Glencoe Avenue (Ambler, PA US Quadrangle N: 4.3 inches; W: 11.9 inches).

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

E06-555. James Eppley, DCNR, P. O. Box 8451, Harrisburg, PA 17105 in Cumru Township, **Berks County**, ACOE Philadelphia District.

To remove and replace with reinforced concrete the existing cut stone and mortar abutments at a bridge spanning Angelica Creek (CWF) located at a point within the Nolde Forest State Park (Reading, PA Quadrangle N: 5.2 inches; W: 10.3 inches) in Cumru Township, Berks County.

E06-557. William Round, Berks Product Corporation, P. O. Box 421, Reading, PA 19603 in Ontelaunee Township, **Berks County**, ACOE Philadelphia District.

To place shotcrete in sinkholes in and along both the Schuylkill River (WWF) and Maiden Creek (WWF) to remediate sinkhole problems located at a point near the confluence of both streams and extending north along the Schuylkill River for approximately 6,100 feet and east along Maiden Creek for about 1,700 feet (Temple, PA Quadrangle N: 8.8 inches; W: 10.4 inches) in Ontelaunee Township, Berks County.

E06-558. Tilden Township, 772 Hex Highway, Hamburg, PA 19526 in Tilden Township, **Berks County**, ACOE Philadelphia District.

To relocate and maintain approximately 80 feet of an unnamed tributary to Mill Creek (TSF) located at a point along Mountain Road (0.1) miles from the intersection

with Tilden Road (Auburn, PA Quadrangle N: 8.0 inches; W: 8.4 inches) in Tilden Township, Berks County.

E07-352. Martin Marasco, Altoona Blair County Development Corp., 4500 Sixth Avenue, Altoona, PA 16602 in Greenfield Township, **Blair County**, ACOE Baltimore District.

To impact 0.26 acre of isolated, emergent wetlands at the watershed of South Poplar Run (CWF) at the William W. Ward Industrial Park along SR 3002 for the purpose of developing industrial lots (Roaring Spring, PA Quadrangle N: 7.5 inches; W: 11.9 inches) in Greenfield Township, Blair County. The permittee will provide 0.27 acre of replacement wetlands as mitigation.

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

E02-1358. Township of Scott, Administrative Offices, 2nd Floor, 301 Lindsay Road, Carnegie, PA 15106. Scott Township, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing bridge (Lindsay Road Bridge) and to construct and maintain a new bridge having a span of 31.0 feet across Georges Run (WWF) for the purpose of improving highway safety. The bridge is located on Lindsay Road, just southwest from the intersection of Lindsay Road and Hope Hollow Road (Pittsburgh West, PA Quadrangle N: 3.4 inches; W: 11.5 inches).

E63-517. Linda and John Jones, 896 Rocky Run Road, West Finley, PA 15377. East Finley Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain six 30 inch culverts across Rock Run (TSF). This project will restore the low flow crossing that was impacted by long wall mining. The project is located on the east side of Rocky Run Road approximately 6,300 feet southwest of its intersection with Route 231 (Claysville, PA Quadrangle N: 2.6 inches; W: 3.8 inches).

E63-520. Washington County Planning Commission, 100 West Beau Street, Suite 701, Washington, PA 15301. Morris Township, **Washington County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain the existing Day Bridge having a span of 37.67 feet with a minimum underclearance of 5.0 feet across Short Creek (TSF) for the purpose of improving highway safety. The bridge is located on T-339, approximately 100 feet south from the intersection of S.R. 0018 and T-339 (Prosperity, PA Quadrangle N: 6.0 inches; W: 5.3 inches).

E63-521. Washington County Planning Commission, 100 West Beau Street, Suite 701, Washington, PA 15301. Hanover Township, **Washington County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain the existing Jackson Mill Bridge having a span of 44.33 feet with a minimum underclearance of 10.0 feet across Kings Creek (CWF) for the purpose of improving highway safety. The bridge is located on T-853 (Kings Creek Road) just south from the intersection of T-853 (Kings Creek Road) and T-352 (Burgettstown, PA Quadrangle N: 8.9 inches; W: 15.9 inches).

E63-522. Ted Taylor Builders, 608 East McMurray Road, Suite 101, McMurray, PA 15317. Peters Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a stormwater pond with a tributary to Peters Creek (TSF) as part of a development known as Old Trails. The project is located on the west

side of Turkeyfoot Road approximately 1,100 feet north of its intersection with Bebout Road (Bridgeville, PA Quadrangle N: 3.8 inches; W: 6.7 inches).

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

E61-246. Alexander Sanfilippo 102 McNelly Road, Pittsburgh, PA 15226, Fishermans Cove Development Lots 15 and 16, in Victory Township, **Venango County**, ACOE Pittsburgh District (Kennerdell, PA Quadrangle N: 12.25 inches; W: 14.50 inches).

The project includes the maintenance of an 8-foot wide Rock Groin Structure located on the right bank of the Allegheny River, within the Fisherman's Cove Development, Victory Township, Venango County, Polk, PA. The structure extends 12 feet into the Allegheny River.

E10-344. Landmark Properties, Inc., 4848 Route 8, Allison Park, PA 15101. Emeryville Drive Lots 1 and 2 Wetland Fill in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 9.3 inches; W: 14.1 inches).

To fill 0.13 acre of wetland on Emeryville Drive Lots 1 and 2 for construction of a 5 story office building and associated parking area along Emeryville Drive approximately 0.25 mile east of Margarite Drive. Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of impacted wetland.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D23-113. Thornbury Investors, L.P., 1541 East Strasburg Road, West Chester, PA 19380. To construct, operate and maintain Cherry Farm Basin #1 across West Branch Chester Creek (TSF), directly impacting 0.23 acre of wetlands (PFO) and 102 feet of stream and providing 0.23 acres of wetland mitigation, for the purpose of stormwater detention and roadway crossing for the proposed Cherry Farm residential development (West Chester, PA Quadrangle N: 4.55 inches; W: 7.05 inches) in Thornbury Township **Delaware County**.

D23-114. Thornbury Investors, L.P., 1541 East Strasburg Road, West Chester, PA 19380. To construct, operate and maintain Cherry Farm Basin #2 across a tributary to West Branch Chester Creek (TSF), directly impacting 0.37 acre of wetlands (PFO) and 205 feet of stream and providing 0.37 acre of wetland mitigation, for the purpose of stormwater detention for the proposed Cherry Farm residential development (West Chester, PA Quadrangle N: 3.8 inches; W: 7.9 inches) in Thornbury Township, **Delaware County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan ap-

proval. 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. PA0056596, Sewage, **Craig Forwood**, 204 Delphi Road, Schwenksville, PA 19473. This proposed facility is located in Lower Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit to discharge from an unnamed tributary to Mine Run-3E.

WQM Permit No. 2301409, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319- 1020. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of two new pump stations and conveyance system.

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

NPDES Permit No. PA-0061069, Industrial Waste, **Schott Glass Technologies, Inc.**, 400 York Avenue, Duryea, PA 18642. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: renewal of NPDES Permit to discharge treated industrial wastewater and uncontaminated stormwater (Receiving Stream) Lackawanna 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.

NPDES Permit No. PA-0043362, Sewage, **Union Lake Hotel, Inc.**, R. R. 1, Box 74, Equinunk, PA 18417. This proposed facility is located in Manchester Township, **Wayne County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge to unnamed tributary of Little Equinunk Creek.

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

NPDES Permit No. PA0087882, Sewage, **Visaggio's Inc.**, 6990 Wertzville Road, Enola, PA 17025. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters named Simmons Creek in Watershed 7-B.

NPDES Permit No. PA0082015, Sewage, **Meadows Sewer Company**, 5015 East Trindle Road, Mechanicsburg, PA 17050-3622. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0080705, Sewage, **Fredericksburg Sewer and Water Authority**, 2529 Route 22, P. O. Box 161, Frederickburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Deep Run in Watershed 7-D.

NPDES Permit No. PA0044113, Sewage, **South Middleton Municipal Authority**, 345 Criswell Drive, Boiling Springs, PA 17007-0008. This proposed facility is located in Monroe Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Yellow Breeches Creek in Watershed 7-E.

NPDES Permit No. PA0082007, Sewage, **Norman W. Sigel and J. Arthur Oberholtzer**, 6827 Bedford Valley Road, Bedford, PA 15522-6114. This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Sand Spring Run in Watershed 13-A.

NPDES Permit No. PA0083585 and WQM Permit No. 2987401, amendment 01-1, Sewage, **Todd Township Supervisors**, HCR 75, McConnellsburg, PA 17233. The proposed facility is located in Todd Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of a Tablet Chlorinator and Chlorine Contact Tank at the Knobsville Plant.

WQM Permit No. 2101406, Sewerage, **Visaggio's Inc.**, 6990 Wertzville Road, Enola, PA 17025. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

WQM Permit No. 2101407, Sewerage, **Silver Spring Township Authority**, 6425 Rear Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction / operation of an Outfall Line.

WQM Permit No. 0701403, Sewerage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648. This proposed facility is located in Hollidaysburg Borough, **Blair County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewers and Appurtenances

WQM Permit No. 0692402, Amendment 01-1, Sewerage, **Exeter Township**, Berks County Authority, P. O. Box 4068, Reading, PA 19606. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

NPDES Permit No. PA0080829, Industrial Waste, **Keystone Protein Company**, Chestnut Hill Road, P. O. Box 37, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Beach Run in Watershed 7-D.

WQM Permit No. PA0024228, Industrial Waste, **Pennfield Farms, Inc.**, Pennfield Farm Poultry IWTF, P. O. Box 70, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Deep Run in Watershed 7-D.

Permit No. PA 0080705. Fredericksburg Sewer and Water Authority, 2529 Route 22, P. O. Box 161, Fredericksburg, PA 17026.

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 25, 2001, issued a National Pollutant Discharge Elimination System Permit.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*. The effluent limits for the existing facility Outfall 001 for a design flow of 0.15 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.5	XXX	3.0
(11-1 to 4-30)	4.5	XXX	9.0
Total Phosphorus	2.0	XXX	4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	2,200/100 ml as a geometric average		
(10-1 to 4-30)	0.18	XXX	0.58
Total Residual Chlorine		XXX	XXX
Total Nitrogen	Monitor and Report	XXX	XXX

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

Permit No. PA 0080829, Keystone Protein Company, Chestnut Hill Road, P. O. Box 37, Fredericksburg, PA 17026.

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 25, 2001, issued a National Pollutant Discharge Elimination System.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
CBOD ₅	—	—	83.5
Suspended Solids	—	—	102.1
Oil and Grease	15	30	30

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

Permit No. PA 0087882, Visaggio's, Inc., 6990 Wertzville Road, Enola, PA 17025.

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 25, 2001, issued a National Pollutant Discharge Elimination System Permit.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
NH ₃ -N			
(5-1 to 10-31)	16	XXX	32

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

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

Permit No. 2681401, Amendment No. 1. Sewerage, **Joseph Argiro**, R. D. 2, Box 368, Connellsville, PA 15425. Modification of Sewage Treatment Plant located in Bullsken Township, **Fayette County** to serve Argiro Mobile Home Park Sewage Treatment Plant.

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

NPDES Permit No. PA0103829, Industrial Waste, **Precise Plastics, Inc.**, 7700 Middle Road, Fairview, PA 16415-1703. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Trout Run.

NPDES Permit No. PA0100986, Sewage, **PHB Machining Division**, 8150 West Ridge Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Trout Run.

NPDES Permit No. PA0034045, Sewage, **Greene Township**, Horseshoe Subdivision, 9333 Tate Road, Erie, PA 16509-6049. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Four Mile Creek.

NPDES Permit No. PA0020346, Sewage, **Borough of Punxsutawney**, Mahoning East Civic Center, 301 East Mahoning Street, Punxsutawney, PA 15767. This proposed facility is located in Borough of Punxsutawney, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Mahoning Creek.

NPDES Permit No. PA0104507, Sewage, **Keith Palumbo**, 3600 Hubbard West Middlesex Road, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This project is to discharge to unnamed tributary to Shenango River.

WQM Permit No. 1601404, Sewerage, **Ronald J. and Jennifer A. Grooms**, P. O. Box 94, Marble, PA 16334. This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 2501421, Sewerage, **Roy A. and LuAnn M. Strobel**, 5721 Gibson Hill Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 430149, Sewerage, **Anthony M.**

Johnson, 669 Clay Furnace Road, Sharpsville, PA 16150. This proposed facility is located in Clark Borough, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 2501417, Sewerage, **Charles J. and Anne Elizabeth Weiss Parcel B**, 3817 Wood Street, Erie, PA 16509. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 2501416, Sewerage, **Charles J. and Anne Elizabeth Weiss Parcel A**, 3817 Wood Street, Erie, PA 16509. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 1001412, Sewerage, **Christopher W. Mullen**, 132 Knoch Road, Saxonburg, PA 16056. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 4301421, Sewerage, **James K. Park**, 1879 Airport Road, Clarks Mills, PA 16114. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 6201408, Sewerage, **Randall H. English**, R. R. #1, Box 1355, Russell, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 2001415, Sewerage, **Alex and Sally A. Torok**, 24529 State Highway 408, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 2501423, Sewerage, **Jeffrey S. McIntyre**, 7405 Old State Road, Edinboro, PA 16412. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 1001410, Sewage, **Slippery Rock Municipal Authority**, P. O. Box 157, Slippery Rock, PA 16057-0157. This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a sewer extension to serve the Weathervane Hill Subdivision.

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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S090	LTS Development, Inc. P. O. Box 160 Shawnee on the Delaware, PA 18356	Monroe	Chestnuthill Township	McMichael's and Sugar Hollow Creeks 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>
Schuylkill County Butler Township, Cass Township and Foster Township	PAR105826	Schuylkill High Ridge Business Park SEDCO P. O. Box 659 91 S. Progress Ave. Pottsville, PA 17901	Tributaries to W. Branch of Schuylkill River, CWF Unnamed tributaries to Rattling Run, CWF and Mahanoy Creek, CWF	Schuylkill County Conservation District (570) 622-3742
Susquehanna Township Dauphin County	PAR10I287	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
East Manchester Township York County	PAR10Y552	Garrod Hydraulics Inc. Eugene D. Garrod 3466 Board Road York, PA 17340	Little Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR10Y554	South Western School District Tom Hoover 225 Bowman Road Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York Township York County	PAR10Y557	Hammermill Associates 1 Waterford Professional Center York, PA 17402	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR10Y558	York Container Company 138 Mt. Zion Road York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y509	The Cascades Commonwealth Corp. Edsel Deleme 764 Corporate Circle Limekiln Commerce Park New Cumberland, PA 17070	UNT to Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Snaice Spring Township Bedford County	PAR100458	Diakon Lutheran Social Ministries 960 Century Drive P. O. Box 2001 Mechanicsburg, PA 17055-2001	UNT to the Raystown Branch	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
North Middleton Township Cumberland County	PAR10H272	Fred Gettys North Ridge Phase 4 1950 Chestnut Court Camp Hill, PA 17011	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Susquehanna Township Dauphin County	PAR10I287	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Brecknock Township Lancaster County	PAR100411	Donald Mellinger 236 E. Main St Terre Hill, PA 17581	Muddy Creek (TS)	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR100512	Manheim Township School District School Rd. Box 5134 Lancaster, PA 17606	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR100518	Hempshade Partners 255 Butler Ave. Ste. 203 Lancaster, PA 17601	UNT Little Conestoga Creek (CWF)	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<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>
Centre Township Berks County	PAR10C380	Harold A. Spatz 552 Irish Creek Road Mohrsville, PA 19541	Irish Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Columbia County Montour Township	PAR102148	First Church of Christ 375 West St. Bloomsburg, PA 17815	Montour Run CWF	Columbia County Conservation District 702 Sawmill Rd., Suite 105 Bloomsburg, PA 17815 (570) 784-1310
Columbia County Scott Township and Town of Bloomsburg	PAR102149	Shopping Center at Scott Township Caldwell Development 434 N. Front St. Wormleysburg, PA 17043	Neals Run	Columbia County Conservation District 702 Sawmill Rd., Suite 105 Bloomsburg, PA 17815 (570) 784-1310

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Beaver County Ohioville Borough Brighton Township	PAR100290	Michael Roaman Greek Catholic Union Real Estate Company, Inc. 132 Lisbon Road Beaver, PA 15009	UNT to South Branch Brady Run/TSF	Beaver County Conservation District (724) 774-7090
Cambria County Gallitzin Borough Tunnelhill Borough Gallitzin Township	PAR101074	Gallitzin Water Authority 411 Convent Street Gallitzin, PA 16641	Clearfield Creek Bradley Run UNT Tributaries/CWF	Cambria County Conservation District (814) 472-2120

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>
Upper Merion Township Montgomery County	PAR800039	BFI Waste System of North America 400 River Rd. Conshohocken, PA 19428	Schuylkill River-3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Eddystone Borough Delaware County	PAR230051	Foamex International 1500 E. Second St. Eddystone, PA 19022	Delaware River-3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Darby Township Delaware County	PAR800111	Waste Management of Delaware Valley 400 Progress Drive Telford, PA 18969	Muckinpattis Creek-3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lancaster County New Holland Borough	PAR113518	New Holland North America, Inc. 300 Diller Avenue MS 717 New Holland, PA 17557	UNT to Mill Creek/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Laureldale Township	PAR153502	Reitech Corporation 3146 Marion Street Reading, PA 19605	UNT to Bernhardt Creek / WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Franklin County Shippensburg Borough	PAR213548	Valley Quarries, Inc. Valley Transit Mix Shippensburg Plant P. O. Box J Chambersburg, PA 17201-0809	Middle Springs Creek/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Antrim Township	PAR213512	Valley Quarries, Inc. Valley Transit Mix Greencastle Plant P. O. Box J Chambersburg, PA 17201-0809	Conococheague Creek/ WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Ephrata Township	PAR603507	Mark S. and Mary Brubacher Browns Used Auto Parts 110-112 Gardenspot Road Ephrata, PA 17522	Cocalico Creek/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Paradise Township	PAR223503	Stock Building Supply 3246 Lincoln Hwy E. P. O. Box 369 Paradise, PA 17562	UNT to Eshelman Run/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Farmington Township Clarion County	PAR228332	Kahle's Kitchens, Inc. P. O. Box 168 Leeper, PA 16233	Unnamed tributary to Licking Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<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 Monroe Township	PAG043684	James J. Glah 50 North Hopewell Road Everett, PA 15537	Clear Creek/TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield Township Cambria County	PAG046108	David E. Weber 536 Schoolhouse Drive Ashville, PA 16613	UNT to Swartz Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Glade Township Warren County	PAG048425	Bruce L. Abplanalp 858 Jackson Avenue Ext. Warren, PA 16365-4347	Unnamed tributary of West Branch Glade Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048764	Roy A. and LuAnn M. Strobel 5721 Gibson Hill Road Edinboro, PA 16412	Unnamed tributary to Conneauttee Creek	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>
Clark Borough Mercer County	PAG048756	Anthony M. Johnson 669 Clay Furnace Road Sharpsville, PA 16150	Tributary Shenango Reservoir	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Clarion County	PAG048759	Ronald J. and Jennifer A. Grooms P. O. Box 94 Marble, PA 16334	Unnamed tributary to Mahles Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048754	Charles J. and Anne Elizabeth Weiss Parcel B 3817 Wood Street Erie, PA 16509	Unnamed tributary to Little Conneauttee Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048753	Charles J. and Anne Elizabeth Weiss Parcel A 3817 Wood Street Erie, PA 16509	Unnamed tributary to Little Conneauttee Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Butler County	PAG048755	Christopher W. Mullen 132 Knoch Rd. Saxonburg, PA 16056	Tributary to Thorn Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG048321	Randy J. Felton and Bonnie S. Felton 17825 Fox Road Cambridge Springs, PA 16403	Unnamed tributary to Cussewago Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG048760	James K. Park 1879 Airport Road Clarks Mills, PA 16114	Tributary Little Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048749	Randall H. English R. R. 1, Box 1355 Russell, PA 16345	Unnamed tributary of Widdlefield Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cambridge Township Crawford County	PAG048757	Alex and Sally A. Torok 24529 State Highway 408 Cambridge Springs, PA 16403	Unnamed tributary to French Creek	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>
Franklin Township Erie County	PAG048768	Jeffrey S. McIntyre 7405 Old State Road Edinboro, PA 16412	Unnamed tributary to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<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>
Jeannette Westmoreland County	PAG056162	Maloy's Amoco 101 Altman Road Jeannette, PA 15644	Tributary of Brush Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Uniontown Fayette County	PAG056168	Fike's Dairy 47 W. Craig St. Uniontown, PA 15401	Unnamed tributary of Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-7

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Burrell Township Westmoreland County	PAG076102	Blairsville Municipal Authority 203 East Market Street Blairsville, PA 15717	Blairsville Municipal Authority WWTP Industrial Park Road Blairsville, PA 15717	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Lackawanna County Throop Borough	PAG082212	Lackawanna River Basin Sewer Authority—Throop Plant		NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Highland Township Clarion County	PAG098307	Bauer's Septic Service 29998 Route 66 Lucinda, PA 16235	Highland Reclaimed Strip #1 Highland Township Clarion County	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>
Susquehanna County Hop Bottom and Lenox Townships	PAG102204	Tennessee Gas Pipeline Co. El Paso Tower Nine Greenway Plaza Suite 1666 Houston, TX 77046	Martin's Creek, tributary to Tower Creek, Wyalusing Creek, Wapaseening Creek CWF, WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711

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. 0901514, Public Water Supply.

Applicant	Central Bucks School District 320 West Swamp Road Doylestown, PA 18901
Township	Buckingham
County	Bucks
Type of Facility	Public Water Supply System
Consulting Engineer	Boucher and James P. O. Box 904 Doylestown, PA 18901
Permit to Construct Issued	October 25, 2001

Operations Permit issued to **Superior Water Company**, 2960 Skippack Pike, Worcester, PA 19490, New Hanover Township, **Montgomery County** on October 25, 2001.

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

Operations Permit issued to **Great Spring Waters of America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County** on September 27, 2001.

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

Permit No. 0101506, Public Water Supply.

Applicant	Cavalry Heights, Inc.
Municipality	Mt. Pleasant Township
County	Adams
Type of Facility	Issuance of a Construction Permit for a 5,000-gallon finished water storage tank and a finished water pump station at the existing Cavalry Heights mobile home park.
Consulting Engineer	Janet R McNally, P.E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Permit to Construct Issued:	September 14, 2001

Permit No. 3896505, Public Water Supply.

Applicant	West Lebanon Township Water Company
Municipality	West Lebanon Township
County	Lebanon
Type of Facility	Designation of Optimal Corrosion Control water quality parameter performance requirements.
Consulting Engineer	Alex A McIntyre, P.E. Alex A. McIntyre, Consulting Engineer 1297 Wheatland Ave. Lancaster, PA 17603
Permit to Operate Issued:	October 18, 2001

Permit No. 3198503, Public Water Supply.

Applicant	Mt. Union Area School District—Mapleton Elementary
Municipality	Mapleton Borough
County	Huntingdon
Type of Facility	Designation of Optimal Corrosion Control water quality parameter performance requirements.
Consulting Engineer	Mark V Glenn, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475

Permit to Operate Issued: October 18, 2001

Permit No. 0699501, Public Water Supply.

Applicant **Borough of Shoemakersville**
 Municipality Borough of Shoemakersville
 County **Berks**
 Type of Facility Operation of new water filtration plant.

Consulting Engineer Russell M Smith, P.E.
 Spotts Stevens and McCoy Inc.
 345 North Wyomissing Boulevard
 242 Main Street
 Reading, PA 19610-0307

Permit to Operate Issued: October 16, 2001

Permit No. 0101504, Public Water Supply.

Applicant **Insite Development, LLC**
 Municipality Berwick Township
 County **Adams**
 Type of Facility Construction Permit for Wells No. 3, 6 and 7 and treatment facilities. Permitted pumping rates for the wells are 25, 4 and 9 gallons per minute, respectively. Well No. 3 will be treated using existing facilities. Wells No. 6 and 7 will each have a treatment building. Both will contain greensand filtration and hypochlorite disinfection equipment.

Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley & Assoc., Inc.
 18 South George St.
 York, PA 17401

Permit to Construct Issued: October 18, 2001

Permit No. 0696503, Public Water Supply.

Applicant **Hamburg Municipal Authority**
 Municipality Windsor Township
 County **Berks**
 Type of Facility Operation of a shallow tray aeration system on Well No. 5

Consulting Engineer Karen Pollock, P.E.
 System Designs Engineering
 850 Park Road
 Wyomissing, PA 19610

Permit to Operate Issued: October 22, 2001

Permit No. 2800507, Public Water Supply.

Applicant **Guilford Water Authority**
 Municipality Greene Township
 County **Franklin**

Type of Facility Construction Permit for Cold Spring Wells No. 11, 12 and 14 and the Ore Bank Hill Well No. 2. The Cold Spring Wells will be operated at rates up to 120, 300 and 1,200 gpm, respectively. The Ore Bank Well will be operated at rates up to 50 gpm. Treatment will be provided at existing, previously permitted facilities.

Consulting Engineer Diana Young, P.E.
 Buchart-Horn, Inc.
 P. O. Box 15040
 York, PA 17405-7040

Permit to Construct Issued: October 22, 2001

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

Permit No. 2601501, Public Water Supply.

Applicant **Indian Creek Valley Water Authority**
 P. O. Box 486, 2068 Indian Head Road
 Indian Head, PA 15446-0486

[Borough or Township] Stewart Township

County **Fayette**
 Type of Facility Tanks, pump station and emergency interconnection with Ohiopyle Borough.

Consulting Engineer Bankson Engineers

Permit to Construct Issued: October 23, 2001

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

Operations Permit # 1672501-T1-MA3 issued to **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888, Clarion and Monroe Townships, **Clarion County** on October 24, 2001.

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9).

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 321:06, Tulpehocken Creek Stormwater Management Plan, as submitted by **Berks County** was approved on August 28, 2001.

Plan No. SWMP 106, Upper Mahoning Creek Stormwater Management Plan, as submitted by **Jefferson County**, was approved on February 13, 2001.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Buck Township	HC1, Box 72 White Haven, PA 18661	Luzerne

Plan Description: The approved plan provides for an on-lot management program. This program will be designed to identify malfunctioning on-lot sewage disposal systems and ensure the proper function and maintenance of on-lot sewage disposal systems located within the Township. The Plan will be implemented by a Sewage Management Committee comprised of three members appointed by the Board of Supervisors. Supervisors may serve on the Committee if there is a lack of members. The Committee will report to the Supervisors and make recommendations. All actions will be the responsibility of the Board of Supervisors. The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposal. The required ordinances for holding tanks, on-lot disposal systems management and other ordinances associated with the implementation of the Township's Official Plan must be implemented and copies sent to the Department of Environmental Protection upon final municipal adoption.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Ln. Scotland, PA 17254	Franklin County

Plan Description: The approved plan provides for a sewer extension of GTMA sewers to serve 68 new residential lots. Treatment of the wastewater will be at the Borough of Chambersburg wastewater treatment plant. The development is located on both sides of Hafer Road, east of Smoketown Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Herndon Borough	Box 353 Herndon, PA 17830	Northumberland

Plan Description: The approved plan provides for construction of new 60,000 GPD sewage treatment plant with a gravity collection and conveyance system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT
OF OCTOBER 18, 1988**

NOTICE OF PROMPT INTERIM RESPONSE

ADSCO Site, Tyrone Township, Adams County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the ADSCO site. This response has been undertaken under section 505(b) of the HSCA (35 P. S. § 6020.505(b)). The site is located at Tyrone Township, Adams County, PA.

The ADSCO Site (Site) is located along Cranberry Road approximately 1.5 miles east of the town of Aspers. The area surrounding the Site consists mostly of agricultural lands. There is limited residential development in the vicinity of the Site. The Site, an inactive landfill since 1990, is a 108-acre property on which approximately 25 acres are land filled.

The operators did not properly close the landfill. However, a carbon filtration point-of-entry treatment system was provided for the onsite resident's water supply, a spring, which had been contaminated with volatile organic chemicals (VOCs) above regulatory standards. During site assessment activities, the Department detected the VOC Vinyl Chloride, which had not been previously detected in the water supply. Vinyl Chloride, a Class A Human Carcinogen, is not removed by carbon filtration. Bottled water for drinking purposes was supplied as an emergency measure.

The Department proposes a prompt interim response at this site to protect public health and safety or the environment. This determination is based on the continued release of VOCs to the groundwater and the actual human exposure to hazardous substances via inhalation, ingestion and dermal contact.

The Department considered three alternatives: 1. Continued carbon treatment of the spring supply and provision of bottled water for drinking purposes. Although this alternative removes the ingestion threat posed by the VOCs present, it does not remove the inhalation threat posed by Vinyl Chloride. 2. Addition of an air-stripping unit to the existing carbon filtration treatment system. This alternative removes the inhalation threat associated with Vinyl Chloride. However, there are engineering problems involved with collecting and treating the water from the spring, a surface water source, especially in treating for the bacterial contamination threat often associated with surface water supplies. 3. Replacement of the surface water source with a ground water well and provision of a treatment system utilizing both air stripping and carbon filtration. This alternative removes the inhalation, ingestion and dermal contact threats posed by the VOC contamination. This alternative also avoids the engineering difficulties associated with collecting and treating the spring water and greatly reduces the threat from bacterial contamination posed by the use of a surface water source. This alternative will be protective of human health and the environment.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the publication of this notice starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Jeff Silar at (717) 705-4842. The Administrative Record can also be reviewed at the Adams County Public Library located at 140 Baltimore Street, Gettysburg, PA 17325 during normal operating hours by contacting the library at (717) 334-5716.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before February 9, 2002, by mailing them to Jeff Silar at Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for December 11, 2001, at 7 p.m. at the Tyrone Township Building located at 5280 Old Harrisburg Road, York Springs, PA 17372. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., December 7, 2001, by calling Sandra Roderick at (717) 705-4931.

If no person registers to present oral comments by December 7, 2001, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if anyone has registered and if the hearing will be held, should also contact Sandra Roderick at the previous number. An informational meeting will be held following the hearing.

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 call Sandra Roderick at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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 reports:

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 Corporation, Environmental Management Division, 2 North Ninth Street, Allentown, PA, 18101-1179 has submitted a Final Report concerning the remediation of site soils found or suspected to have been contaminated with polychlorinated biphenyls (PCBs). The report was submitted to document remediation of the site to meet the Statewide health standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Inactive Tank Farm Facility—Dominion Transmission (formerly CNG Transmission), Independence Township, **Beaver County**. Sheri L. Franz, Dominion Resource Services, Inc. 625 Liberty Avenue, Pittsburgh, PA 15222 (on behalf of Dominion Transmission, 445 West Main Street, Clarksburg, WV 26302) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

PPG Industries, Inc.—Former Works No. 5 Facility, Ford City, **Armstrong County**. Patrick Kelly (on behalf of PPG Industries, Inc., Post Office Box 2009 4325 Rosanna Drive, Building C, Allison Park, PA 15101-2009) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

World Kitchen, Inc. (formerly Corning Consumer Products Company), Charleroi Borough, **Washington County**. Steve E. Johnson, One Weston Way, West Chester, PA 19380 (on behalf of Corning Incorporated, HP-ME-03-055, Corning, NY 14831 and Borden, Inc., 180 E. Broad Street, 28th Floor, Columbus, OH 43215-3799) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet 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 of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Boutronics Corporation, Greensburg, **Westmoreland County**. J. Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 20, Pittsburgh, PA 15205 (on behalf of Boutronics Corporation, 3000 Lillian Drive, Murrysville, PA 15668) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2001.

Federal Laboratory Site Area 11, Conemaugh Township, **Indiana County**. Kelly R. McIntosh, Geomatrix Consultants, Inc., 338 Harris Hill Road, Suite 201 Williamsport, NY 14221 (on behalf of TransTechnology Corporation, 150 Allen Road, Liberty Corner, NJ 07938) has submitted a Cleanup Plan for Area 11 concerning the remediation of site soil contaminated with heavy metals. The Cleanup Plan was disapproved by the Department on October 15, 2001.

PPG Industries, Inc. Former Works No. 5 Facility, Ford City, **Armstrong County**. Patrick Kelly (on behalf of PPG Industries, Inc., Post Office, Box 2009, 4325 Rosanna Drive, Building C, Allison Park, PA 15101-2009) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Cleanup Plan was approved by the Department on October 23, 2001.

PPG Slurry Lagoon Area, North Buffalo/Cadogan Township, **Armstrong County**. John J. Mahfood, Key Environmental Inc., Rosslyn Farms Industrial Park, 1200

Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of PPG Industries, Inc., Post Office Box 2009, 4325 Rosanna Drive, Building C, Allison Park, PA 15101-2009 and the Borough of Ford City, Post Office Box 12, Ford City, PA 16226) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, TAL Metals + Cyanide, PAHs, TCL VOCs and TCL SVOCs. The Remedial Investigation Report was approved by the Department on October 19, 2001.

World Kitchen, Inc. (formerly Corning Consumer Products Company), Charleroi Borough, **Washington County**. Steve E. Johnson, One Weston Way, West Chester, PA 19380 (on behalf of Corning Incorporated, HP-ME-03-055, Corning NY 14831 and Borden, Inc., 180 E. Broad Street 28th Floor, Columbus, OH 43215-3799) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 19, 2001.

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

National Fuel Gas Company (Van Compressor Station), Route 322, Van, PA, **County of Venango**, Rochland and Cranberry Townships, had submitted a Site Characterization Report concerning remediation of groundwater. The report was approved by the Department on October 25, 2001, and did demonstrate attainment of the site to meet the Site Specific Standard and the Statewide Health Standard.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

Enmanco. Corp., P. O. Box 807, Mt Clemens, MI 48046. License No. **PA-AH 0574**. Effective October 29, 2001.

Fred Pugliese d/b/a Plainfield Motor Service, 724 W. Route 126, Plainfield, IL 60544. License No. **PA-AH 0573**. Effective October 29, 2001.

Safety-Kleen Systems, Inc., 1301 Gervais St, Suite 300, Columbia, SC 29211. License No. **PA-AH 0172**. Effective October 24, 2001.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE
TRANSPORTER LICENSE RENEWED**

J. J. Keller & Associates, Inc., 3003 W. Breezewood Lane, Neenah, WI 54957. License No. **PA-HC 0201**. Effective October 24, 2001.

**HAZARDOUS WASTE TREATMENT, STORAGE AND
DISPOSAL FACILITIES**

Draft permits issued, revised or withdrawn 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: Division of Municipal and Residual Waste, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PAD085690592. Republic Environmental Systems (Pennsylvania) Inc., 2869 Sandstone Drive, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Draft permit issued by the Southeast Regional Office on October 23, 2001.

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

Northeast Region: Division of Municipal and Residual Waste, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Draft Hazardous Waste Permit

Permit ID No. PAD002389559. Keystone Cement Company, P. O. Box A, Bath, PA 18014-0058, East Allen Township, **Northampton County**.

The Department of Environmental Protection (DEP) proposes to renew Keystone Cement Company's Hazardous Waste Storage permit. The Hazardous Waste Storage Facility consists of the utilized site access roads, utilized weight scales, site laboratory, the new Truck Staging Area, a Truck Unloading Area and the Hazardous Waste Storage Tank System, including all ancillary systems and the connection to the site cement kilns. This permit regulates the incoming approved wastes from the moment of arrival onsite until beneficial use as fuel in the site cement kilns. The draft permit also addresses Keystone Cement's request to modify their existing permit to account for new hazardous Waste Codes K169 and K170, an expansion of the Truck Unloading Area, a new Truck Staging Area and other changes. Various permit conditions have also been updated.

A public hearing is scheduled for December 13, 2001, at 7 p.m. The hearing will be held at the Northampton County Community College, 3835 Green Pond Road, Bethlehem, PA. The public hearing will be held on the draft permit for Hazardous Waste Storage.

Copies of the application, draft permit and fact sheet for the Hazardous Waste Facility may be reviewed at the following offices of the DEP: Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017, (610) 861-2070; Northeast Regional Office, 2 Public Square, Wilkes-Barre,

PA 18711-0790, (570) 826-2511, Contact: Robert C. Wallace, Chief, Engineering and Facilities Section, Waste Management Program.

Those interested in reviewing the draft permit and fact sheet should call to schedule a date to review the files. Additional information regarding the Keystone Cement Company facility is available at the Northeast (Wilkes-Barre) Regional Office. Call Records Management at (570) 826-5472 to set up any file review at the Wilkes-Barre Regional Office.

DEP, in completing its review and prior to taking final action on the permit application to Keystone Cement Company, will consider all written comments received during the comment period and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations of 25 Pa. Code Chapter 260a—270a and 40 CFR Parts 260—270 and 273 as incorporated by reference and the DEP's permitting policies.

The public will be given 45 days to comment on the draft permit prepared under the Solid Waste Management Act. The comment period will begin on November 10, 2001, and will end on December 25, 2001. Any person interested in commenting on the application or draft permit must do so within this comment period.

Persons intending to make a presentation at the hearing should submit written notice to William Tomayko, Program Manager, Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. DEP requests that individuals present written copies of their testimony in addition to their oral presentation.

Persons may present oral or written statements or data concerning the draft permit directly to DEP before, during or after the public hearing, as long as DEP receives the statement and data before December 25, 2001. Comments should include name, address and telephone number of the writer and a concise statement to inform DEP regarding the exact basis of any comment and relevant fact on which it is based.

Following the public comment period, the Regional Waste Management Program Manager will make a final determination regarding the draft hazardous waste permit modification. Notice of this determination will be published in the *Pennsylvania Bulletin*, at which time the determination may be appealed to the Environmental Hearing Board. DEP will provide a written justification for changes to the draft hazardous waste permit to persons providing comment to DEP.

Persons with disabilities who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak of DEP at (570) 826-2060 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP may accommodate their needs.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR072. R. E. Pierson Construction Co., Inc., P. O. Box 430, Woodstown, NJ 08098-0430. General Permit Numbered WMGR072 for the beneficial use of dewatered dredge waste as a roadbed material in roadway construction was issued by Central Office on October 22, 2001.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101429. Richard S. Burns and Company, Inc. 4300 Rising Sun Avenue, Philadelphia, PA 19140, City of Philadelphia. Richard S. Burns Transfer Station permit modified to increase facility's daily volume and to authorized phased construction of onsite facility improvements. The permit was issued by the Southeast Regional Office on October 25, 2001.

Permit No. 101567. Construction Demolition Recycling, Inc., 1060 Industrial Boulevard, Southampton, PA 18966, Upper Southampton Township, **Bucks County.** The permit was renewed for a 10-year term for the continued operation of the waste transfer station. The permit was issued by the Southeast Regional Office on October 25, 2001.

Permit No. 100148. Waste Management Disposal Services of Pennsylvania, Inc., 1121 Bordertown Road, Morrisville, PA 19067, Falls Township, **Bucks County.** Permit modified to allow the GROWS Landfill scale house facility to be jointly utilized by the Tullytown Resource Recovery Facility. The permit was modified by the Southeast Regional Office on October 25, 2001.

Permit No. 101494. Waste Management of Pennsylvania, Inc., 1121 Bordertown Road, Morrisville, PA 19067, Borough of Tullytown and Falls Township, **Bucks County.** Permit modified to reflect Tullytown Resource Recovery Facility's joint use of the GROWS Landfill scale house facility. The permit was modified by the Southeast Regional Office on October 25, 2001.

AIR QUALITY

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.

15-0041: Eastern Shore Natural Gas Co. (604 Street Road, Cochranville, PA 19330) on October 23, 2001, for operation of two natural gas internal engines in Londonberry Township, **Chester County.**

46-0036D: Visteon SYS LLC (2750 Morris Road, Lansdale, PA 19446) on October 23, 2001, for operation of a Wave Solder No. 12 in Worcester Township, **Montgomery County.**

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

06-03091: The Rose Corp. (P. O. Box 15208, Reading, PA 19612-5208) on October 25, 2001, for modification of a surface coating and grit blasting operation controlled by filters and a fabric collector in the City of Reading, **Berks County.**

31-05011C: U. S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) on October 23, 2001, for modification of existing fluid bed dryer to use additional fuels of No. 4 Oil, No. 6 Oil and Recycled Oil at its Mapleton Depot Plant facility in Brady Township, **Huntingdon County.** This facility is subject to 40 CFR Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0029B: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) on October 23, 2001, for operation of a packaging rotogravure printing press in Downingtown Borough, **Chester County.**

15-0021: Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) on October 23, 2001, for operation of an asphalt plant and quarry in East Whiteland Township, **Chester County.**

46-0166: M & M Stone Co. (Indian Creek Road, Harleysville, PA 19438) on October 23, 2001, for operation of a batch asphalt plant in Lower Salford Township, **Montgomery County.**

46-0081B: Markel Corp. (416 School Lane, Norristown, PA 19404) on October 23, 2001, for operation of two horizontal extruders in Plymouth Township, **Montgomery County.**

23-0001E: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on October 23, 2001, for operation of a storage tank in Marcus Hook Borough, **Delaware County**.

09-0112A: Superior Woodcraft, Inc. (160 North Hamilton Street, Doylestown, PA 18901) on October 23, 2001, for operation of floor type spray booths in Doylestown Borough, **Bucks County**.

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

67-03031: Pennex Aluminum Co. (P. O. Box 100, Wellsville, PA 17365) on August 26, 2001, for construction of a 70-ton reverberatory furnace in Wellsville Borough, **York County**. This plan approval was extended.

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

49-0013A: Sunbury Property, LLC, owner and Knight-Celotex, LLC, operator (1400 Susquehanna Avenue, Sunbury, PA 17801) on October 22, 2001, for the transfer of approval to install an air cleaning device (a regenerative thermal oxidizer) on a fiberboard dryer from a previous owner and operator, Celotex Corp., in the City of Sunbury, **Northumberland County**.

08-318-027A: Mill's Pride—PA (100 Lamoka Road, Sayre, PA 18840) on October 24, 2001, to extend the authorization to operate a wood kitchen cabinet glazing line, the air contaminant emissions from which are controlled by a regenerative thermal oxidizer, on a temporary basis until February 21, 2002, in Athens Township, **Bradford 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.

15-00031: Henry Co. (Cold Stream Road, Kimberton, PA 19442) on October 25, 2001, for operation of a Facility Title V Operating Permit in East Pikeland Township, **Chester County**.

15-00025: Kimball International Marketing, Inc./ dba Transwall (1220 Wilson Drive, West Chester, PA 19380) on October 25, 2001, for operation of a Facility Title V Operating Permit in West Goshen Township, **Chester County**.

46-00081: Markel Corp. (416 School Lane, Norristown, PA 19404) on October 25, 2001, for operation of a Facility Title V Operating Permit in Plymouth Township, **Montgomery County**.

09-00030: MSC Pre Finish Metals, Inc. (120 Enterprise Avenue, Morrisville, PA 19067) on October 25, 2001, for operation of a Facility Title V Operating Permit in Falls Township, **Bucks County**.

15-00015: Sartomer Co., Inc. (610 South Bolmar Street, West Chester, PA 19382) on October 25, 2001, for operation of a Facility Title V Operating Permit in West Chester Borough, **Chester County**.

46-00156: Universal Packaging Corp. (1196 Easton Road, Horsham, PA 19044) on October 25, 2001, for operation of a Facility Title V Operating Permit in Horsham Township, **Montgomery County**.

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on October 24, 2001, for operation of a Facility Title V Operating Permit in Tredyffrin Township, **Chester County**.

46-00079: Naval Air Station Joint Reserve Base (County Line Road and Route 611, Willow Grove, PA 19090) on October 24, 2001, for operation of a Facility Title V Operating Permit in Horsham Township, **Montgomery County**.

Operating Permit 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.

28-03033: Nitterhouse Concrete Products, Inc. (2655 Molly Pitcher Highway South, Box N, Chambersburg, PA 17201) on October 23, 2001, for operation of a concrete and brick manufacturing facility in Chambersburg Borough, **Franklin 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.

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

49-00002: ConAgra Grocery Products Co. (30 Marr Street Milton, PA 17847) issued a revised operating permit, Revision No. 1, on October 23, 2001, for the change of ownership of the Milton plant from International Home Food Products Inc. to ConAgra Grocery Products Co. This facility is located in Milton Borough, **Northumberland County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00005: State Correctional Institute at Rockview (Box A, Bellefonte, PA 16823) issued a revised operating permit, Revision No. 1, on October 24, 2001, to allow for modifications in the specifications of coal burned at the facility. This facility is located in Benner Township, **Centre County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-313-011C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) on October 24, 2001, to incorporate conditions established in Plan Approval 08-313-011D for the installation of air cleaning devices (a fabric collector and a HEPA filter) on a powdered metal spray dryer, as well as for the modification of the subject spray dryer (increase in the emission of particulate matter, chromium, nickel and cobalt), in North Towanda Township, **Bradford 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.

54851332R3. RS & W Coal Company (R. R. 1 Box 36, Klingerstown, PA 17941), renewal of an existing anthracite underground mine operation in Norwegian Township, **Schuylkill County** affecting 2.1 acres, receiving stream—West Branch Schuylkill River. Application received: December 28, 2000. Renewal issued: October 24, 2001.

49663004R3. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901) renewal of an existing anthracite surface mine operation in Zerbe and West Cameron Townships, **Schuylkill County** affecting 2.1 acres, receiving stream—none. Application received: October 27, 2000. Renewal issued: October 24, 2001.

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

17990105 and NPDES Permit No. PA 0238261, Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), transfer of an existing bituminous surface mine-auger permit from W. Ruskin Dressler, located in Brady Township, **Clearfield County** affecting 75 acres. Receiving streams: unnamed tributary to Luthersburg Branch, Luthersburg Branch, unnamed tributary to LaBorde Branch and LaBorde Branch to the West Branch of the Susquehanna River. Application received: February 13, 2001. Permit issued: October 16, 2001.

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

56960102. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit Revision to change the land use for the premining land use of forestland to be restored to pastureland or land occasionally cut for hay post-mining in Paint Township, **Somerset County**, affecting 196.0 acres. Receiving streams: Weaver Creek to Paint Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 9, 2001. Permit issued: October 26, 2001.

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

33990101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 127.8 acres. Receiving streams: unnamed tributary to Soldier Run and Soldier Run. Application received: January 11, 1999. Permit issued: October 17, 2001.

This permit was issued under a Project XL agreement between the DEP and the United States Environmental Protection Agency (EPA). Project XL is EPA's program to test innovative approaches to environmental protection using regulatory flexibility to achieve superior environmental performance. Under Project XL, a Consent Order and Agreement between Amerikohl Mining, Inc. was executed on October 17, 2001. The purpose of this agreement is to improve water quality in Soldier Run (Jefferson County) through encouraging re-mining and acid mine drainage abatement measures. The agreement will base compliance on in-stream water quality and the implementation of best management practices (BMPs), instead of numeric effluent limitations measured at individual discharge points. The agreement applies only to this surface mining permit. Soldier Run is one of up to eight acid mine drainage impacted watersheds where this approach under Project XL will be evaluated. The full text of the Consent Order and Agreement and the Project XL agreement can be obtained at www.dep.state.pa.us/dep/deputate/minres/districts/projectxl or by contacting DEP's Knox or Hawk Run District Offices.

Noncoal Permits Actions

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

66010801. Robert R. Shupp (P. O. Box 246, Factoryville, PA 18419), small quarry operation in Nicholson Borough, **Wyoming County**, affecting 2.0 acres. Receiving stream: Tunkhannock Creek. Application received: June 28, 2001. Permit issued: October 23, 2001.

58010847. Duane L. Jarauld (R. R. 7, Box 7038, Montrose, PA 18801), small quarry operation in Oakland Township, **Susquehanna County**, affecting 2 acres. Receiving stream: None. Application received: August 27, 2001. Permit issued: October 23, 2001.

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

26870202. Carriage Mining, Inc. (1406 Highview Drive, Greensburg, PA 15601). Revision permit issued for commencement, operation and reclamation of a noncoal surface mine located in German Township, **Fayette County** affecting 103.2 acres. Receiving streams: unnamed tributaries to Browns Run to the Monongahela River. Revision application received: September 14, 2001. Revision permit issued: October 26, 2001.

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

10012804. Parker Sand & Gravel Co. (P. O. Box 0, Parker, PA 16049) Commencement, operation and restoration of a small noncoal sand and gravel operation in Parker Township, **Butler County** affecting 6.7 acres. Receiving streams: unnamed tributaries to Allegheny River. Application received: April 2, 2001. Permit Issued: October 15, 2001.

Small Noncoal Permit—Final Bond Release

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

26932303. David M. Stronko (P. O. Box 164, Lemont Furnace, PA 15456). Final bond release for a small noncoal mining operation in Franklin and Dunbar Townships, **Fayette County**. Restoration of 34.1 acres completed. Receiving streams: Bute Run to Redstone Creek to Monongahela River. Application for final bond release received: May 24, 2001. Final bond release approved: October 16, 2001.

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

53990801, Thomas L. Kisiel (P. O. Box 126, Coudersport, PA 16915). Final bond release for a small noncoal mining operation in Roulette Township, **Potter County**. Restoration of 1 acre completed. Receiving stream: Allegheny River. Application received: September 14, 2001. Final bond release approved: October 26, 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.

36014033. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued: October 22, 2001.

36014034. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of November 30, 2001. Permit issued: October 22, 2001.

38014019. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in South Lebanon Township, **Lebanon County** with an expiration date of January 31, 2003. Permit issued: October 22, 2001.

40014006. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Lehman Township, **Luzerne County** with an expiration date of November 16, 2001. Permit issued: October 22, 2001.

40014007. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Jenkins Township, **Luzerne County** with an expiration date of November 30, 2001. Permit issued: October 22, 2001.

06014015. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18042), construction blasting in Exeter Township, **Berks County** with an expiration date of November 30, 2002. Permit issued: October 23, 2001.

28014016. Sheehan Pipe Line Construction Co. (2431 E. 61st Street, Suite 700, Tulsa, OK 74136-1267), construction blasting in Guilford Township, **Franklin County** with an expiration date of June 30, 2002. Permit issued: October 23, 2001.

35014003. Dominick DeNaples (400 Mill Street, Dunmore, PA 18512), construction blasting for Mount

Margaret Estates in the City of Scranton, **Lackawanna County** with an expiration date of January 31, 2007. Permit issued: October 23, 2001.

36014035. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Borough, **Lancaster County** with an expiration date of December 31, 2001. Permit issued: October 23, 2001.

36014036. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of November 30, 2003. Permit issued: October 23, 2001.

36014040. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County** with an expiration date of January 1, 2003. Permit issued: October 23, 2001.

36014043. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of November 30, 2001. Permit issued: October 23, 2001.

36014044. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of December 31, 2001. Permit issued: October 23, 2001.

54014006. Seema Construction (252 Bow Creek Road, Grantville, PA 17028), construction blasting in Cass Township, **Schuylkill County** with an expiration date of March 31, 2002. Permit issued: October 23, 2001.

01014004. Rogele, Inc. (1025 S. 21st Street, P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting in Straban Township, **Adams County** with an expiration date of December 15, 2001. Permit issued: October 24, 2001.

01014005. Conewago Enterprises, Inc. (660 Edgegrove Road, Hanover, PA 17331), construction blasting in Menallen Township, **Adams County** with an expiration date of January 15, 2002. Permit issued: October 24, 2001.

06014013. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Spring Township, **Berks County** with an expiration date of May 31, 2002. Permit issued: October 24, 2001.

06014014. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Amity Township, **Berks County** with an expiration date of June 30, 2002.

21014018. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Silver Springs Township, **Cumberland County** with an expiration date of November 30, 2002.

28014018. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Antrim Township, **Franklin County** with an expiration date of February 28, 2002. Permit issued: October 24, 2001.

36014038. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County** with an expiration date of December 15, 2001. Permit issued: October 24, 2001.

36014039. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of December 15, 2001. Permit issued: October 24, 2001.

36014041. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of December 31, 2001. Permit issued: October 24, 2001.

36014042. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manheim Township, **Lancaster County** with an expiration date of August 30, 2002. Permit issued: October 24, 2001.

67014012. E. G. Stoltzfus, Inc. (474 Mt. Sidney Road, Lancaster, PA 17601), construction blasting in Springettsbury Township, **York County** with an expiration date of November 30, 2007. Permit issued: October 24, 2001.

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

14015002. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting in Rush Township, **Centre County**, expected duration of 55 days. Permit issued: October 9, 2001.

14014015. Stone Valley Construction (P. O. Box 369, Pine Grove Mills, PA 16868), construction blasting in College Township, **Centre County**, expected duration of 120 days. Permit issued: October 25, 2001.

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

65014002. Heritage Estates L.P. has been issued a blasting activity permit for construction located in Murrsville Borough, **Westmoreland County**, with an expected duration of 25 days. Permit issued: October 22, 2001.

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

32014001. Kukurin Contracting, R. D. 2, Route 286, Export, PA 15632, construction of sewer line pump station, in Saltsburg, PA, **Indiana County** and expected duration of 30 days. Permit Issued: October 23, 2001.

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

10014002. Mark Mashuda Excavating (113 Lakeland Drive, Mars, PA 16046). Blasting activity permit to blast at a housing development on Kreiss Road in Lancaster Township, **Butler County** for 10 days. Application received: September 12, 2001. Application issued: September 17, 2001.

33014004. Kukurin Contracting, Inc. (R. D. 2, Route 286, Export, PA 15632-9802). Blasting activity permit to blast Summerville sewer project in Summerville Borough, **Jefferson County** for 5 days. Application received: September 5, 2001. Application issued: September 17, 2001.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing

Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—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.

E15-665. R.E.I., Inc., 935 West Milner Street, West Chester, PA 19382, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To fill in a 2.2 acre off-stream, man-made pond which is located adjacent to Black Horse Run (TSF, MF), within The West End Swim and Tennis Club. The site is located approximately 500 feet northeast of the intersection of

Birmingham Road and Milner Street (Unionville, PA Quadrangle N: 12.1 inches; W: 0.6 inch).

E15-647. William S. Hoffman, 1037 Schuylkill Road, Phoenixville, PA 19460, East Vincent Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities within the proposed Waynefield Residential Subdivision:

1. To install and maintain an 80 linear foot long roadway crossing consisting of a 60-inch by 36-inch elliptical reinforced concrete pipe, concrete headwalls and rock aprons across an unnamed tributary to the French Creek (HQ, TSF) impacting 0.40 acre of wetlands associated with the construction of Heritage Drive in the northwest portion of the site (Phoenixville, PA USGS Quadrangle N: 5.8 inches; W: 12.4 inches).

2. To install and maintain an 85 linear foot long roadway crossing consisting of a 54-inch corrugated metal pipe, concrete headwalls and rock aprons across an unnamed tributary to the French Creek (HQ, TSF) impacting 0.10 acre of wetlands associated with the construction of Heritage Drive in the northwest portion of the site (Phoenixville, PA USGS Quadrangle N: 5.6 inches; W: 12.1 inches).

3. To install and maintain a 63 linear foot long roadway crossing consisting of a 10-foot by 3.5-foot corrugated metal arch, concrete headwalls and rock aprons across an unnamed tributary to the French Creek (HQ, TSF) impacting 0.20 acre of wetlands associated with the construction of Center Creek Drive located approximately 75 feet downstream of the confluence of the two upstream tributaries (Phoenixville, PA USGS Quadrangle N: 5.4 inches; W: 12.2 inches).

4. To install and maintain a 24-inch outfall structure associated with stormwater conveyance system along an unnamed tributary to the French Creek (HQ, TSF) in the vicinity of where the tributary exists the site (Phoenixville, PA USGS Quadrangle N: 4.8 inches; W: 12.3 inches).

5. To install and maintain a 30-inch outfall structure associated with stormwater conveyance system within the 100-year floodway of an unnamed tributary to the French Creek (HQ, TSF) just downstream from activity No. 3 (Phoenixville, PA USGS Quadrangle N: 5.3 inches; W: 12.2 inches).

This project will impact approximately 270 linear feet of stream and 0.38 acre if wetlands and is located approximately 1,700 feet northeast of the intersection of West Seven Stars Road and Lucas Road (Phoenixville, PA USGS Quadrangle N: 5.1 inches; W: 12.1 inches). The permittee proposes to construct a total of 0.38 acre of replacement wetlands.

E51-169. Philadelphia Industrial Development Corporation, 1500 Market Street, 2600 Centre Square West, Philadelphia, PA 19102, City of Philadelphia, **County of Philadelphia**, ACOE Philadelphia District.

To maintain approximately 0.15 acre of fill within wetlands (PEM) associated with the Otten Flavors at the Eastwick Industrial Park. The site is located just east of Bartram and Holstein Avenues (Philadelphia USGS Quadrangle N: 3.5 inches, W: 15.2 inches). The Permittee has agreed to provide a minimum of 0.43 acre of replacement wetlands.

E51-191. City of Philadelphia, Department of Streets, Bridge Unit, 830 Municipal Services Building,

1401 JFK Boulevard, Philadelphia, PA 19102-1676, City of Philadelphia, **County of Philadelphia**, ACOE Philadelphia District.

To replace, construct and maintain the Germantown Avenue Bridge crossing the Wissahickon Creek (TSF). The project involves the removal of the existing 9-span concrete T-beam bridge. The bridge replacement is part of a larger project to rehabilitate Germantown Avenue from Northwestern Avenue to Hillcrest Avenue. The proposed bridge will be a 3-span, continuous steel I-beam bridge. It will be approximately 313 feet long, composed of three continuous spans of approximately 102 feet, 109 feet and 102 feet, respectively. The proposed bridge will contain an associated stormwater management drainage-way and outfall structure and will include pedestrian sidewalks on the east and west side. The proposed bridge will be shifted approximately 75 feet upstream from where the existing bridge is located. The shifting of the bridge will alleviate the sharp curve and improve driving conditions over the bridge. The project site is located 100 feet southeast of the intersection of Northwestern Avenue and Germantown Avenue (Germantown, PA Quadrangle N: 15.3; W: 14.4).

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

E13-128. PPL Electric Utilities Corporation, GENN 4, 2 North Ninth Street, Allentown, PA 18101. Franklin and Mahoning Townships, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain two electric/fiber optic line aerial crossings of the Lehigh River and Lehigh Canal within the same 100-foot wide easement. The crossings are associated with the Lehigh and Weissport Taps. The project is located approximately 2,400 feet south of the intersection of SR 0209 and SR 3006 (Lehigh, PA Quadrangle N: 17.3 inches; W: 11.5 inches).

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

E08-374. Pennsylvania Department of Transportation, District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Streambed Paving, in Wilmot Township, **Bradford County**, ACOE Baltimore District (Jenningsville, PA Quadrangle N: 21.8 inches; W: 15.5 inches).

To construct and maintain streambed paving at the outlet to a bridge to the free end of the wingwalls located on SR 0187 in Sugar Run Creek approximately 1 mile north of Hollenback and to construct and maintain a temporary dam upstream of the bridge for the purpose of pumping and diverting water around the bridge during paving. The project will not impact wetlands while impacting 15 feet of waterway. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E08-375. Steven and Nancy Kinner, P. O. Box 35, Alba, PA 16910. Water Obstruction and Encroachment Permit application, in Alba Township, **Bradford County**, ACOE Susquehanna River Basin District (Canton, PA Quadrangle N: 14.6 inches; W: 11.1 inches).

To construct and maintain a 30-foot by 20-foot garage and a 28-foot by 8-foot deck all of which are located along an unnamed tributary to Alba Creek in Alba Borough. This permit was issued under § 105.13(e) "Small Projects."

E08-376. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and

Encroachment Permit Application, in Wyalusing Township, **Bradford County**, ACOE Susquehanna River Basin District (Laceyville, PA Quadrangle N: 18.9 inches; W: 15.1 inches).

To a) remove three existing structures, b) construct and maintain a three span precast concrete I-beam bridge having a span of 187 feet and a minimum underclearance of 15.2 feet with a skew of 80° in Wyalusing Creek, a single cell precast reinforced concrete box culvert having a span of 20.0 feet and a minimum underclearance of 6.5 feet with a skew of 76° 32' in an overflow channel adjacent to Wyalusing Creek and a single cell precast reinforced concrete box culvert having a span of 193.0 feet and a minimum underclearance of 6.0 feet with a skew similar to that of the existing structure in Camp Creek, c) temporarily construct and maintain six 5-foot diameter corrugated metal pipes and associated R-3 and R-6 rock fill for a temporary causeway, all of which is located along SR 0706, Segment 026.

E08-377. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Wilmot Township, **Bradford County**, ACOE Susquehanna River Basin District (Jenningsville, PA Quadrangle N: 17.8 inches; W: 16.1 inches).

To perform 11.5 feet of streambed paving in Stony Run Creek underneath an existing structure located along SR 2006 located at the intersection of SR 0187 south and SR 2006. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E12-124. Racoh Products, Inc., R. R. 1, Box 322, Emporium, PA 15834. Racoh Products, Inc. Building Addition, in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 5 inches; W: 3 inches).

To modify, operate and maintain an existing commercial facility in the floodway of Driftwood Branch, Sinnemahoning Creek. The modifications of the existing commercial facility shall be limited to maximum facility dimension of 125-feet by 100-feet. All existing fills and buildings in the floodway shall be maintained to the present elevations. Prior to any future expansion of the facility or placement of fill in the floodway, the permittee shall obtain a written permit from Cameron County Commissioners and the Department of Environmental Protection. The existing commercial facility is located along the western right-of-way of SR 0046 approximately 500-feet south of SR 4004 and SR 0046. This permit was issued under § 105.13(e) "Small Projects."

E12-125. National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501. Pipeline F-M120 Replacement, in Shippen Township, **Cameron County**, ACOE Baltimore District (West Creek, PA Quadrangle N: 9.1 inches; W: 17.0 inches).

To remove existing pipeline F-M120 and replace, operate and maintain a 12.75-inch diameter pipeline beneath West Branch, Hicks Run for the transmission of natural gas. The existing gas transmission line shall be replaced with 12.75-inch diameter steel pipe. Installation of the pipeline shall be completed during stream low periods and in dry work conditions by dams and pumping or fluming stream flow around the work area. Installation work shall also include installing rock stream bank protection for a minimum length of 30-feet on northern and southern stream bank of West Branch, Hicks Run.

Rock used for stream bank protection shall be blocky, angular and nonerodible with a gradation equal to NSA No. R-5. The project is located along the southern right-of-way of SR 0120 approximately 1.1-miles west of Hicks Run Road and T-310 intersection. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E12-126. Bennett Branch Watershed Association, P. O. Box 99, Benezette, PA 15821. Bennett Branch Restoration-Moser/Beers Property, in Gibson Township, **Cameron County**, ACOE Baltimore District (Driftwood, PA Quadrangle N: 18.5 inches; W: 12.7 inches).

To realign the stream channel and to construct, operate and maintain six in-stream grade control structures for the stabilization of Bennett Branch-Sinnemahoning Creek stream bank. The channel relocation and stream bank stabilization project shall be limited to a maximum length of 1,500-feet in Bennett Branch. The six grade control structures shall be constructed of large blocky rock in stream flow conditions ample to determine stream flow centerline. The project is located along the eastern right-of-way of SR 0555 approximately 1.7-miles east of Hicks Run Road and SR 0555 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Bennett Branch. All temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20-days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

E14-401. Patrick Hawbaker, 235 Shannely Drive, Port Matilda, PA 16870. Culvert Replacement, in Halfmoon Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 7.2 inches; W: 3.3 inches).

To remove an existing 48-inch diameter corrugated metal pipe and to construct and maintain two 48-inch diameter 20-foot long reinforced concrete pipes depressed 6-inches into the streambed to produce an effective waterway opening of 24.22 square feet with 108 linear feet of stone end walls and R-5 riprap outlet/inlet aprons in Halfmoon Creek located 0.5 mile southwest of the intersection of SR 550 and Houtz Road. The project proposes to permanently impact 50 linear feet of Halfmoon Creek that is classified as a High Quality-Cold Water Fishery. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-361. Mosquito Creek Sportsman Association, P. O. Box 218, Frenchville, PA 16836. Mosquito Creek Acid Abatement Project, in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 18.7 inches; W: 8.3 inches).

To construct, operate and maintain a concrete dam, intake structure and outfall structure in an unnamed tributary to Mosquito Creek for the operation and maintenance of an acid precipitation abatement facility. The dam shall be constructed of cast in-place concrete with a maximum dam height of 2.75-feet, crest width of 6-feet and crest length of 15-feet. The concrete dam, intake structure and outfall shall be constructed during stream low flow and in dry work conditions through the use of dams and pumping or fluming stream flow around work areas. The project is located along the southern right-of-way of SR 2004 at a point where the unnamed tributary

to Mosquito Creek crosses beneath the Ardell Road. This permit also authorizes the construction, operation, maintenance and removal of temporary crossings, diversions and cofferdams needed to construct the acid precipitation abatement facility. Upon completion of the construction activities, all temporary structures shall be removed with disturbed areas restored to original contours and elevations. All wetland impacts shall be temporary; wetland replacement will not be required, provided however, clay dikes and trench plugs are properly used and all disturbed wetlands are restored.

E18-323. Western Clinton County Municipal Authority, P. O. Box 363, Renovo, PA 17764-0363. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Renovo Borough, **Clinton County**, ACOE Susquehanna River Basin District (Renovo East, PA Quadrangle N: 14.5 inches; W: 13.5 inches).

To construct and maintain a 45' diameter secondary wastewater clarifier tank and a 32'x34' sludge dewatering building, all of which is located on Erie Street (Renovo East, PA Quadrangle N: 14.5 inches; W: 13.5 inches) in the floodplain of the West Branch Susquehanna River in Renovo Borough, Clinton County. This permit was issued under § 105.13(e) "Small Projects."

E49-248. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit application, in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 0.5 inch; W: 15.8 inches).

To perform 43 feet of streambed paving in an unnamed tributary to Mahantango Creek underneath an existing structure located on S.R. 3024, Segment 0010 at offset 0000. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-249. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Lewis Township, **Northumberland County**, ACOE Susquehanna River Basin District (Washingtonville, PA Quadrangle N: 18.94 inches; W: 16.13 inches).

To a) remove existing structure, b) construct and maintain a single span precast reinforced concrete box culvert having a span of 14.0 feet and a minimum underclearance of 4.5 feet with a skew of 90° in a tributary to Beaver Run, c) temporarily construct, maintain and remove three 4-foot diameter corrugated metal pipes and associated rock fill for a temporary road crossing, d) temporarily construct, maintain and remove sand bag diversion dike at the existing bridge site, all of which are located along SR 0044, Segment 0010, Offset 2194.

E55-182. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0522 Section 042M unnamed tributary to Middle Creek bridge replacement, in Beaver Township, **Snyder County**, ACOE Susquehanna River Basin District (Beavertown, PA Quadrangle N: 3.1 inches; W: 1.2 inches).

To a) remove two existing structures b) construct and maintain a 20 foot by 6 foot reinforced concrete box culvert on a skew of 55° in a tributary to Middle Creek located 3.5 miles southwest of Middleburg along SR 0522, in Beaver Township, Snyder County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-419. Borough of Tioga, P. O. Box 158, Tioga, PA 16946. Water Obstruction and Encroachment Permit Application, in Tioga Borough, **Tioga County**, ACOE Susquehanna River Basin District (Tioga, PA Quadrangle N: 4.55 inches; W: 1.13 inches).

To operate and maintain a flood control project consisting of 8,000 feet of improved earthen channel, 9,800 feet earthen levee and 340 feet of rock rip-rap protection all located along the Tioga River in the Borough of Tioga, Tioga County.

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

E26-241 A1. Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Stewart Township, **Fayette County**, ACOE Pittsburgh District.

To amend Permit No. E26-241 to include the installation and maintenance of an enclosed pedestrian pathway under and across an existing bike trail along the Youghioghny River, the realignment of approximately 200 feet of existing trail along the Youghioghny River (Ohiopyle, PA Quadrangle N: 21.68 inches; W: 15.84 inches) and the construction and maintenance of a 400-foot long portage across Bear Run and along the Youghioghny River (Mill Run, PA Quadrangle N: 4.98 inches; W: 14.16 inches).

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

E10-340. Cranberry Township, 2525 Rochester Road, Cranberry Township, PA 16066. Robinhood Drive Enclosure in tributary to Brush Creek, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 11.3 inches; W: 15.4 inches).

To remove the existing culvert and to install and maintain a 220-foot long, 84-inch diameter smooth walled aluminum steel pipe stream enclosure having a reinforced concrete drop structure with trashrack at the inlet and an approximately 30-foot long rock riprap energy dissipater at the outlet in a tributary to Brush Creek on Robinhood Drive and two residential lots downstream of Robinhood drive approximately 1,200 feet north of Freedom Road.

E20-492. Meadville Real Estate, L.P., George F. Saad, 7805 McKnight Road, Ross Park Professional Building, Suite 202, Pittsburgh, PA 15237. Vernon Town Square, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 22.4 inches; W: 11.0 inches).

To fill 2.02 acres of wetlands (PSS/PFO) for construction of Vernon Town Square commercial/retail development at the northwest corner of the intersection of S.R. 322 and S.R. 98 in Vernon Township, Crawford County. This project includes creation of 3.0 acres of replacement wetlands (PSS/PFO) and enhancement of 0.5 acre of existing wetlands (PEM) north of Semerad Road approximately 0.38 mile northeast of its intersection with S.R. 19 at Keborts Corners (Geneva, PA Quadrangle N: 16.5 inches; W: 9.0 inches) in Union Township, Crawford County.

E42-278. McKean County, McKean County Commissioners, Court House, Smethport, PA 16749. Boyer Crossing Bridge T-414 Across Allegheny River, in Liberty Township, **McKean County**, ACOE Pittsburgh District (Roulette, PA Quadrangle N: 7.4 inches; W: 3.5 inches).

To replace the deck, repair the superstructure, modify the roadway approaches and to maintain the Boyer

Crossing Bridge across the Allegheny River on T-414 approximately 0.1 mile south of S.R. 6.

E42-279, Bradford Township, 136 Hemlock Street, Bradford, PA 16701. Marilla Brook Reservoir Trail, in Bradford Township, **McKean County**, ACOE Pittsburgh District.

To construct and maintain the following structures associated with a recreational trail around the Marilla Brook Reservoir (Reservoir No. 3) south of S.R. 346 approximately 5.5 miles west of S.R. 219 in Bradford Township, McKean County:

1. A bridge (No. 5) supported by wood piers having a total structure length of 174 feet with 23 6-foot spans and 2 17-foot spans and a maximum underclearance of approximately 10 feet across Marilla Brook and adjoining wetlands.

2. A bridge (No. 6) supported by wood piers having a total structure length of 115 feet with 15 6-foot spans and 2 12-foot spans and a maximum underclearance of approximately 8 feet across a tributary to Marilla Brook and adjoining wetlands.

3. Fill a total of 0.05 acre of 4 wetland areas along the western end of the reservoir for the 6-foot wide trail.

E42-280, Bradford Township, 136 Hemlock Street,

Bradford, PA 16701. Tuna Valley Trails—West Tuna Creek Trail, in Bradford Township, **McKean County**, ACOE Pittsburgh District.

To construct and maintain a recreational trail in and along the 100-year floodway and floodplain of West Branch Tunungwant Creek and including the following between Onofrio Street and Clarks Lane in Bradford Township, McKean County:

1. A steel beam bridge (No. 1) having a span of 30 feet and an underclearance of approximately 8 feet across a tributary to West Branch Tunungwant Creek (Gates Hollow) approximately 120 feet downstream of Campus Drive and 700 feet south of Onofrio Street.

2. A steel beam bridge (No. 2) having a span of 21 feet and an underclearance of approximately 6.4 feet across a tributary to West Branch Tunungwant Creek approximately 50 feet downstream of Campus Drive and 1200 feet north of Dorothy Lane.

3. A steel beam bridge (No. 3) having a span of 69 feet and an underclearance of 8.5 feet across West Branch Tunungwant Creek approximately 650 feet upstream of Dorothy Lane.

Fill a total of 0.03 acre of six wetland areas for construction of the trail.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-26-002	Dennis R. States HRI, Inc. 1525 Millville Road Bloomsburg, PA 17815	Columbia	Hemlock Township	2 ASTs storing- MC-30 Dust Oil Pallative 1 AST storing- E-3 Chipping Oil	30,000 gallons each 30,000 gallons

SPECIAL NOTICES

Notice of Public Hearing for NPDES Permit No. PAR 107616

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on National Pollutant Discharge Elimination System (NPDES) General Permit Application No. PAR107616 for the discharge of stormwater from construction activities at the proposed race track on the Jubinski property in Falls and Overfield Townships, **Wyoming County**.

The public hearing will be conducted on December 12, 2001, at 7 p.m. at the Lake Winola Fire Company, on State Route 307 in the Main Meeting Room, Lake Winola Fire Company that is located in Lake Winola, Overfield Township, Wyoming County, PA by the Department of Environmental Protection, Water Management Program, Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553. The hearing is in

response to an application submitted by Al Jubinski, R. R. 2, P. O. Box 440, Dalton, PA 18414. The NPDES permit application proposes the discharge of stormwater from construction activities to tributaries to Beaver Creek.

The Department requests that individuals wishing to testify at the hearing submit a written notice of the intent to the Jubinski Racetrack Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAR107616. Written copies of oral testimony are requested. Relinquishing to time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudak of the Department at (570) 826-2511 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Wyoming County Conservation District office in Tunkhannock, PA, (570) 836-2589.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 01-2019. Filed for public inspection November 9, 2001, 9:00 a.m.]

Pennsylvania Bituminous Mine Safety Advisory Committee Change of Meeting Date

The October 24, 2001, meeting of the Technical Advisory Committee on Diesel-Powered Equipment has been rescheduled. The next meeting is now scheduled for November 28, 2001, at 10 a.m. in the Fayette County Health Center in Uniontown.

Questions concerning this meeting can be directed to Allison Gaida at (724) 439-7289 or e-mail to agaida@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP can accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2020. Filed for public inspection November 9, 2001, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

As of October 1, 2001, the Department of General Services (DGS) began to utilize the Professional Selections section of the Public Works web page accessed through the DGS home page at www.dgs.state.pa.us exclusively to advertise for design services.

Any questions or concerns should be addressed to the Selections Committee, Department of General Services, Room 103, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

KELLY P. LOGAN,
Acting Secretary

[Pa.B. Doc. No. 01-2021. Filed for public inspection November 9, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established by 20 Pa.C.S. § 8622, will hold a public meeting on December 12, 2001, from 10 a.m. to 2 p.m. The meeting will be held in Room 812 of the Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention or Angela H. Anderson, Clerk Typist II, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, 1000 Health and Welfare Building, Harrisburg, PA at (717) 787-5900.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact William J. Neil or Angela H. Anderson at (717) 787-5900, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2022. Filed for public inspection November 9, 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 § 205.6(a) (relating to function of building);

St. Mary's @ Asbury Ridge
4855 West Ridge Road
Erie, PA 16506

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services):

Dallastown Nursing Center
623 East Main Street
Dallastown, PA 17313

The 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. 01-2023. Filed for public inspection November 9, 2001, 9:00 a.m.]

DEPARTMENT OF REVENUE

Cigarette Tax Notice

Under section 227-A of the Fiscal Code (72 P. S. § 227-A) (relating to administration powers and duties), the Department of Revenue (Department) hereby announces the lowest cost of the stamping agent, wholesaler and retailer, respectively, effective October 29, 2001, as follows:

	<i>Premium Brands</i>	<i>Generic Brands</i>
(a.k.a. Kings and Regulars)		
Cost of the Stamping Agent (for sales to wholesalers)	\$29.54	\$26.84
Cost of the Wholesaler (for sales to retailers)	\$30.73	\$27.92
Cost of the Retailer (for sales to retail customers)	\$32.57	\$29.59

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, one should divide the costs previously listed by ten and round to the nearest hundredth of a percent. For example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$3.26 for premium brands (\$32.57/10) and \$2.96 for generic brands (\$29.59/10).

Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, subgeneric, foreign or specialty cigarettes) as previously described are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler or cost of the retailer, respectively, as further defined and explained in the Department's cigarette tax regulations, 61 Pa. Code Article III.

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs previously stated must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to unfair sales of cigarettes).

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2024. Filed for public inspection November 9, 2001, 9:00 a.m.]

Pennsylvania Major Moola Instant Lottery

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Major Moola.

2. *Price:* The price of a Pennsylvania Major Moola instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Major Moola instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and a Moneybag Symbol (MNBAG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$7.⁰⁰ (SVN DOL), \$10.⁰⁰ (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$10,000 (TEN THO) and \$200,000 (TWOHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$100, \$250, \$500, \$10,000 and \$200,000. A player can win up to 11 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Major Moola instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$200,000 (TWOHUNTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$500 (FIV HUN) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500

(FIV HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$100 (ONE HUN) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$20\$ (TWENTY) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$15\$ (FIFTN) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$12\$ (TWELV) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets upon which any one of the “Your

Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$10^{.00} (TEN DOL) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$10^{.00} (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$7^{.00} (SVN DOL) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$7.

(q) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$7^{.00} (SVN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$7.

(r) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$6^{.00} (SIX DOL) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$6^{.00} (SIX DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$5^{.00} (FIV DOL) appears under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$5^{.00} (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

\$5
\$5 (MB)
\$6
\$6 (MB)

Win
\$5
\$5
\$6
\$6

Approximate Odds
1:15
1:8.82
1:300
1:75

Approximate No. of Winners Per 7,200,000 Tickets
480,000
816,000
24,000
96,000

*When Any Of Your
Numbers Match Any
Of The Winning
Numbers, Win With
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$7	\$7	1:300	24,000
\$7 (MB)	\$7	1:75	96,000
\$2 x 5	\$10	1:150	48,000
\$5 x 2	\$10	1:150	48,000
\$10	\$10	1:600	12,000
\$10 (MB)	\$10	1:600	12,000
\$6 x 2	\$12	1:300	24,000
\$5 + \$7	\$12	1:600	12,000
\$12	\$12	1:600	12,000
\$12 (MB)	\$12	1:600	12,000
\$5 x 3	\$15	1:150	48,000
\$10 + \$5	\$15	1:150	48,000
\$15	\$15	1:600	12,000
\$15 (MB)	\$15	1:600	12,000
\$15 + \$5	\$20	1:600	12,000
\$5 x 4	\$20	1:300	24,000
\$10 x 2	\$20	1:600	12,000
\$5 x 2 + \$10	\$20	1:300	24,000
\$7 x 2 + \$6	\$20	1:300	24,000
\$20	\$20	1:600	12,000
\$20 (MB)	\$20	1:600	12,000
\$20 x 5	\$100	1:480	15,000
\$10 x 5 + \$20 x 2 + \$5 x 2	\$100	1:342.86	21,000
\$15 x 4 + \$10 x 4	\$100	1:480	15,000
\$20 x 3 + \$5 x 8	\$100	1:400	18,000
\$100	\$100	1:1,600	4,500
\$100 (MB)	\$100	1:960	7,500
\$250	\$250	1:60,000	120
\$100 x 5	\$500	1:1,440,000	5
\$250 x 2	\$500	1:1,440,000	5
\$500	\$500	1:3,600,000	2
\$500 (MB)	\$500	1:900,000	8
\$10,000	\$10,000	1:720,000	10
\$200,000	\$200,000	1:1,440,000	5

(MB) = Moneybag wins automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Major Moola instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Major Moola, prize money from winning Pennsylvania Major Moola instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Major Moola instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Major Moola or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2025. Filed for public inspection November 9, 2001, 9:00 a.m.]

Pennsylvania Triple 333 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple 333.

2. *Price:* The price of a Pennsylvania Triple 333 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Triple 333 instant lottery game ticket will contain one "Tic Tac Toe" area and one "Bonus" area. The play symbols and their captions located in the "Tic Tac Toe" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE). The play symbols and their captions located in the "Bonus" area are: TRIPLE (333) and NO BONUS (TRY AGAIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$60\$ (SIXTY), \$90\$ (NINTY) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$60, \$90 and \$3,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Triple 333 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$3,000 (THR THO) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$90\$ (NINTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$90.

(c) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$30\$ (THIRTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$90.

(d) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$60\$ (SIXTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$60.

(f) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$30\$ (THIRTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$10⁰⁰ (TEN DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$5⁰⁰ (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$10⁰⁰ (TEN DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$3⁰⁰ (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$6⁰⁰ (SIX DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(n) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$5⁰⁰ (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$3⁰⁰ (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area, a TRIPLE (333) play symbol in the "Bonus" area and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal in the "Tic Tac Toe" area and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	1:9.09	1,320,000
\$2	\$2	1:21.43	560,000
\$1 (T)	\$3	1:27.27	440,000
\$3	\$3	1:300	40,000
\$5	\$5	1:300	40,000
\$2 (T)	\$6	1:150	80,000
\$6	\$6	1:600	20,000
\$3 (T)	\$9	1:120	100,000
\$10	\$10	1:300	40,000
\$5 (T)	\$15	1:750	16,000
\$15	\$15	1:3,000	4,000
\$20	\$20	1:1,000	12,000
\$10 (T)	\$30	1:2,400	5,000
\$30	\$30	1:4,800	2,500
\$20 (T)	\$60	1:4,000	3,000
\$60	\$60	1:12,000	1,000
\$30 (T)	\$90	1:12,000	1,000
\$90	\$90	1:12,000	1,000
\$3,000	\$3,000	1:1,000,000	12

(T) = Triple the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple 333 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple 333, prize money from winning Pennsylvania Triple 333 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple 333 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Triple 333 or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2026. Filed for public inspection November 9, 2001, 9:00 a.m.]

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
1:9.09	1,320,000
1:21.43	560,000
1:27.27	440,000
1:300	40,000
1:300	40,000
1:150	80,000
1:600	20,000
1:120	100,000
1:300	40,000
1:750	16,000
1:3,000	4,000
1:1,000	12,000
1:2,400	5,000
1:4,800	2,500
1:4,000	3,000
1:12,000	1,000
1:12,000	1,000
1:12,000	1,000
1:1,000,000	12

Pennsylvania Winning Numbers Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winning Numbers.

2. *Price:* The price of a Pennsylvania Winning Numbers instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Winning Numbers instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$7⁰⁰ (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$210 (TWOHUNTEN), \$7,000 (SVN THO) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$7, \$14, \$21, \$42, \$70, \$210, \$7,000 and \$21,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Winning Numbers instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$21,000 (TWYONETHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$7,000 (SVN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$210 (TWOHUNTEEN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$210.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$70 (SEVENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$42 (FRY TWO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$42.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$21 (TWY ONE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$21.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$14 (FORTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$7 (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4 (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3 (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2 (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1 (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Either Of The Winning Numbers Win With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 x 2	\$2	1:7.14	840,000
\$2	\$2	1:25	240,000
\$1 x 3	\$3	1:100	60,000
\$2 + \$1	\$3	1:150	40,000
\$3	\$3	1:300	20,000
\$1 x 4	\$4	1:150	40,000
\$2 x 2	\$4	1:150	40,000
\$3 + \$1	\$4	1:250	24,000
\$4	\$4	1:375	16,000
\$1 x 7	\$7	1:125	48,000
\$2 x 3 + \$1	\$7	1:150	40,000
\$4 + \$3	\$7	1:250	24,000
\$7	\$7	1:750	8,000
\$2 x 7	\$14	1:375	16,000
\$4 x 3 + \$2	\$14	1:1,500	4,000

*When Any Of Your
Numbers Match Either
Of The Winning
Numbers Win With
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$3 x 4 + \$2	\$14	1:1,500	4,000
\$7 x 2	\$14	1:1,500	4,000
\$14	\$14	1:1,500	4,000
\$3 x 7	\$21	1:150	40,000
\$7 x 3	\$21	1:250	24,000
\$14 + \$7	\$21	1:500	12,000
\$2 x 5 + \$7 + \$4	\$21	1:250	24,000
\$21	\$21	1:500	12,000
\$7 x 6	\$42	1:1,667	3,600
\$14 x 3	\$42	1:1,667	3,600
\$21 x 2	\$42	1:2,400	2,500
\$42	\$42	1:2,400	2,500
\$7 x 10	\$70	1:15,000	400
\$14 x 5	\$70	1:24,000	250
\$21 x 3 + \$7	\$70	1:24,000	250
\$70	\$70	1:60,000	100
\$21 x 10	\$210	1:120,000	50
\$70 x 3	\$210	1:120,000	50
\$210	\$210	1:120,000	50
\$7,000	\$7,000	1:750,000	8
\$7,000 x 3	\$21,000	1:3,000,000	2
\$21,000	\$21,000	1:1,500,000	4

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winning Numbers instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winning Numbers, prize money from winning Pennsylvania Winning Numbers instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Winning Numbers instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winning Numbers or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2027. Filed for public inspection November 9, 2001, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Considered by the Historic Preservation Board

The Historic Preservation Board (Board) meeting to be held on December 11, 2001, will start at 9:45 a.m. in the 5th Floor Board Room, State Museum of Pennsylvania, 3rd and North Streets, Harrisburg, PA. Individuals with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Allegheny Plateau

1. Troy Public High School, 250 High Street, Troy, Bradford County

Anthracite Region and Poconos

2. Frederick and Catherine Leaser Farm, 7654 Leaser Road, Lynn Township, Lehigh County

Great Valley and Piedmont Region

3. Social Service Building, 311 South Juniper Street, Philadelphia

4. Smyser & English Pharmacy, 243-245 West Cheltenham Avenue, Philadelphia

5. Fairmount Avenue Historic District, Fairmount Avenue; Melon St.; 15th St.; 16th St.; 17th St., Philadelphia

6. Byers Station Historic District, Byers and Eagle Farm Roads, Upper Uwchlan Township, Chester County

7. Brinton/King Farmstead, 1301 Brinton's Bridge Road and 162 Baltimore Pike, Pennsbury Township, Chester County

8. Byers/Muma House, 1402 Trout Run Road, East Donegal Township, Lancaster County

Ridge and Valley

9. Pennsylvania Main Line Canal, Juniata Division, Canal Section, 1.5 mile section of canal between former Pennsylvania Railroad Main Line and Juniata River, Granville Township, Mifflin County

10. Broad Avenue Historic District, centered on Broad Avenue from 23rd to 31st Street, Altoona, Blair County

11. Downtown Altoona Historic District Boundary Increase, roughly between 11th and 14th Avenues, bounded by 13th and 18th Streets, Altoona, Blair County

12. Knickerbocker Historic District, 4th, 5th and 6th Avenues, Burgoon Road, 40th and 41st Streets, Altoona, Blair County

13. Llyswen Historic District, Coleridge Avenue, Logan Boulevard and Aldrich Avenue bounded by Mill Run and Ward Avenue, Altoona, Blair County

Southwestern Pennsylvania

14. John A. Brashear House and Factory, 1954 Perysville Avenue, Pittsburgh, Allegheny County

15. Second National Bank of Meyersdale, 151 Center Street, Meyersdale, Somerset County

16. Frank L. Ross Farm, S. R. 519, 3/10 mile north of U. S. 40, North Bethlehem and South Strabane Townships, Washington County

BRENT D. GLASS,
Chairperson

[Pa.B. Doc. No. 01-2028. Filed for public inspection November 9, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

*Final-Form
Submission
Deadline*

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Deadline</i>
16A-695	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Fees	10/25/01	09/24/03

(31 Pa.B. 4651 (August 25, 2001))

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Regulation No. 16A-695

Fees

October 25, 2001

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 24, 2003, the regulation will be deemed withdrawn.

1. Section 47.4. Licensure fees.—Need; Clarity.

The House Professional Licensure Committee questioned why the Board did not delete the fee relating to the 1988 to 1991 licensure cycle. Is this fee needed?

2. Sections 48.4 and 49.3. Applicability of General Provisions in Chapter 47.—Need; Clarity.

These provisions require registration of continuing education providers, courses and programs under Section 47.34. However, there currently is no continuing education requirement for licensed Marriage and Family Therapists or Professional Counselors. If the Board intends to require continuing education for licensees under Chapters 48 and 49 in the future, that requirement would require another rulemaking.

The Board should consider deleting the course registration provisions from this rulemaking. Instead, the Board should promulgate continuing education requirements and registration of course providers together in a future rulemaking. This would allow affected parties to consider the full implications of these requirements.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2029. Filed for public inspection November 9, 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</i>	<i>Reg. No. Agency/Title</i>	<i>Received</i>
50-116	Pennsylvania Securities Commission National Securities Markets Improvement Act of 1996 Amendments	10/30/01
15-414	Department of Revenue Personal Income Tax	10/31/01
15-413	Department of Revenue Termination Pay, Severance Pay and Early Retirement Incentive Programs	10/31/01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2030. Filed for public inspection November 9, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; William M. Davis; Doc. No. SC01-10-038

Notice is hereby given of the Order to Show Cause issued on October 25, 2001, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the previously-referenced matter. Violation of the following is alleged: sections 604 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 234 and 279); and 31 Pa. Code §§ 37.46—37.48.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 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); Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2031. Filed for public inspection November 9, 2001, 9:00 a.m.]

Allstate Insurance Company; Homeowners Manuals of Rules and Rates; Rate Filing

On October 26, 2001, the Insurance Department received from Allstate Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 21.9% increase amounting to \$31,253,000 annually, to be effective February 18, 2002, for new business and renewal business.

Unless formal administrative action is taken prior to December 25, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2032. Filed for public inspection November 9, 2001, 9:00 a.m.]

Hartford Insurance Company of the Midwest; Private Passenger Auto Insurance Rate and Rule Revision

On October 22, 2001, the Insurance Department received from Hartford Insurance Company of the Midwest a filing for a proposed rate level change for Private Passenger Auto insurance.

The company requests an overall 2.2% increase amounting to \$999,000 annually to be effective upon approval.

Unless formal administrative action is taken prior to December 21, 2001, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2033. Filed for public inspection November 9, 2001, 9:00 a.m.]

List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from the listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa. B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 46 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998) 28 Pa.B. 5922 (December 5, 1998), 29 Pa.B. 5965 (November 20, 1999), 30 Pa.B. 5033 (November 18, 2000) and 31 Pa.B. 205 (January 13, 2001).

The following company has changed its name since the list was published at 31 Pa.B. 205:

Agricultural Excess & Surplus Insurance Company, Wilmington, Delaware has changed its name to Great American E & S Insurance Company, Wilmington, Delaware.

The following company has been added to the list since it was published at 31 Pa.B. 205:

Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin.

The following companies have been removed from the list because they became licensed in Pennsylvania since the list was published at 31 Pa.B. 205:

Auto-Owners Insurance Company, Lansing, Michigan, became licensed on June 19, 2001.

North American Elite Insurance Company, Manchester, New Hampshire became licensed on September 28, 2001.

Qualified Reinsurers List

1. 37958 Acceptance Insurance Company, Omaha, Nebraska
2. 10021 ACE Capital Mortgage Reinsurance Company, New York, New York
3. 30180 ACE Guaranty Re Inc., New York, New York

4. 10651 AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
5. 41858 American Dynasty Surplus Lines Insurance Company, Wilmington, Delaware
6. 37990 American Empire Insurance Company, Cincinnati, Ohio
7. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
8. 10316 Appalachian Insurance Company, Johnston, Rhode Island
9. 27189 Associated International Insurance Company, Woodland Hills, California
10. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
11. 19925 Audubon Indemnity Company, Ridgeland, Mississippi
12. 36552 AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware
13. 36951 Century Surety Company, Columbus, Ohio
14. 38989 Chubb Custom Insurance Company, Dover, Delaware
15. 81914 Clarica Life Insurance Company, Brookfield, Wisconsin
16. 97071 Clarica Life Reinsurance Company, Lansing, Michigan
17. 10291 CNA Reinsurance Company Limited, London, England
18. 39993 Colony Insurance Company, Richmond, Virginia
19. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
20. 27955 Commercial Risk Re-Insurance Company, South Burlington, Vermont
21. 17400 Coregis Indemnity Company, Chicago, Illinois
22. 10928 Eagle Insurance Company, Jersey City, New Jersey
23. 10240 E+S Ruckversicherungs Aktiengesellschaft, Hannover, Germany
24. 40509 EMC Reinsurance Company, Des Moines, Iowa
25. 90670 ERC Life Reinsurance Corporation, Jefferson City, Missouri
26. 39020 Essex Insurance Company, Wilmington, Delaware
27. 35378 Evanston Insurance Company, Evanston, Illinois
28. 44792 Executive Risk Specialty Insurance Company, Simsbury, Connecticut
29. 85472 First ING Life Insurance Company of New York, New York
30. 92673 Gerling Global Life Insurance Company, Los Angeles, California
31. 87017 Gerling Global Life Reinsurance Company, Los Angeles, California
32. 37532 Great American E & S Insurance Company, Wilmington, Delaware

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| <p>33. 22098 Grain Dealers Mutual Insurance Company, Indianapolis, Indiana</p> <p>34. 88340 Hannover Life Reassurance Company of America, Orlando, Florida</p> <p>35. 10241 Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany</p> <p>36. 93505 Hartford International Life Reassurance Corporation, Hartford, Connecticut</p> <p>37. 78972 Healthy Alliance Life Insurance Company, St.Louis, Missouri</p> <p>38. 42374 Houston Casualty Company, Houston, Texas</p> <p>39. 27960 Illinois Union Insurance Company, Chicago, Illinois</p> <p>40. 22829 Interstate Fire & Casualty Company, Chicago, Illinois</p> <p>41. INEX Insurance Exchange, Chicago, Illinois</p> <p>42. 35637 Landmark Insurance Company, Los Angeles, California</p> <p>43. 29912 Legion Indemnity Company, Chicago, Illinois</p> <p>44. 19437 Lexington Insurance Company, Wilmington, Delaware</p> <p>45. Lloyd's Underwriters, London, England</p> <p>46. 98078 Manulife Reinsurance Corporation (U.S.A.), Bloomfield Hills, Michigan</p> <p>47. 32089 Medmarc Mutual Insurance Company, Montpelier, Vermont</p> <p>48. 14591 Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin</p> <p>49. 33189 Monticello Insurance Company, Wilmington, Delaware</p> <p>50. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska</p> <p>51. 41629 New England Reinsurance Corporation, Hartford, Connecticut</p> <p>52. 31143 Old Republic Union Insurance Company, Chicago, Illinois</p> <p>53. 88099 Optimum Re Insurance Company, Dallas, Texas</p> <p>54. 37338 Pacific Insurance Company, Los Angeles, California</p> <p>55. 38636 Partner Reinsurance Company of the U. S., New York, New York</p> <p>56. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama</p> <p>57. 29807 PXRE Reinsurance Company, Hartford, Connecticut</p> <p>58. 24481 Reliance Insurance Company of Illinois, Chicago, Illinois</p> <p>59. 10679 St. Paul Reinsurance Company, Limited, London, England</p> <p>60. 21911 San Francisco Reinsurance Company, Novato, California</p> <p>61. 87572 Scottish Re (U.S.), Inc., Wilmington, Delaware</p> | <p>62. 41297 Scottsdale Insurance Company, Columbus, Ohio</p> <p>63. 23388 Shelter Mutual Insurance Company, Columbia, Missouri</p> <p>64. 10743 Sphere Drake Insurance Company Limited, Brighton, England</p> <p>65. 10932 Starr Excess Liability Insurance Company, Ltd., Wilmington, Delaware</p> <p>66. 39187 Suecia Insurance Company, Nanuet, New York</p> <p>67. 93483 Swiss-Am Reassurance Company, Wilmington, Delaware</p> <p>68. 10744 Terra Nova Insurance Company, Limited, London, England</p> <p>69. 19887 Trinity Universal Insurance Company, Dallas, Texas</p> <p>70. 37982 Tudor Insurance Company, Keene, New Hampshire</p> <p>71. 10292 Unionamerica Insurance Company, Limited, London, England</p> <p>72. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York</p> <p>73. 39330 United Capitol Insurance Company, Chicago, Illinois</p> <p>74. 28053 United Coastal Insurance Company, Phoenix, Arizona</p> <p>75. 13021 United Fire & Casualty Company, Cedar Rapids, Iowa</p> <p>76. 38032 US International Reinsurance Company, Manchester, New Hampshire</p> <p>77. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia</p> <p>78. 29548 Western Indemnity Insurance Company, Houston, Texas</p> <p>79. 13196 Western World Insurance Company, Keene, New Hampshire</p> <p>80. 10242 Zurich Specialties London Limited, London, England</p> |
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M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2034. Filed for public inspection November 9, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Mark A. and Alisha W. Green; file no. 01-280-03017; State Farm Mutual Auto Insurance Company; doc. no. PH01-10-023; December 7, 2001, at 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the 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. 01-2035. Filed for public inspection November 9, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lebanon County, Wine & Spirits Shoppe #3801, 831 Bowman Street, Lebanon, PA 17046-8432.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within the City of Lebanon, between Fifth and Eleventh Avenues.

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 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Berks County, Wine & Spirits Shoppe #0608, 3026 Penn Avenue, West Lawn, PA 19609-1421.

Lease Expiration Date: August 31, 2003

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,400 net useable square feet of new or existing retail commercial space along PA Route 724 between US Route 422 to the north and US Route 222 to the south.

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 17110-9661.

Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-2036. Filed for public inspection November 9, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Buffalo Valley Telephone Company and Conestoga Telephone & Telegraph Company for Commission Action; Doc. No. P-00971244

On March 26, 1996, the Pennsylvania Public Utility Commission (Commission) entered a final opinion and order which granted Buffalo Valley Telephone Company (Buffalo Valley) and Conestoga Telephone & Telegraph Company (Conestoga) a 2-year suspension of the obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq., with the opportunity to request three additional 1-year extensions of that suspension.

On September 26, 2001, Buffalo Valley and Conestoga filed a joint petition requesting a third 1-year extension of the original 2-year suspension. The Commission has determined that publication and comment on this joint petition is appropriate. Interested parties must submit comments on the petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply comments must be submitted within 14 days of publication.

Copies of the petition may be obtained from the Commission's Secretary's Bureau upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2037. Filed for public inspection November 9, 2001, 9:00 a.m.]

Petition of Frontier Companies for Action; Doc. No. P-00981393

By Order entered December 7, 1998, at Docket No. P-00981393, the Pennsylvania Public Utility Commission

(Commission) granted the Frontier Companies' request for a 2-year suspension of interconnection obligations imposed by section 251(b) and (c) of the Federal Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq.

On October 9, 2001, the Frontier Companies filed a petition requesting an extension of the suspension, effective December 7, 2001, to December 7, 2002. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the Frontier Companies' petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply Comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2038. Filed for public inspection November 9, 2001, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 3, 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.

Notice of Motor Carrier Applications— Persons in Limousine Service

The following application for authority to transport persons in limousine service between points in Pennsylvania have been filed with the Commission. The application will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protest to this application are due on or before December 3, 2001.

A-00118387 Geistwhite Landscaping, Inc.
t/d/b/a Carlisle Car & Driver Service
18 Circle Drive
Carlisle, PA 17013

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2039. Filed for public inspection November 9, 2001, 9:00 a.m.]

Telecommunications

A-310557F7000. Verizon Pennsylvania Inc. and Access Point, Inc. Joint petition of Verizon Pennsylvania Inc. and Access Point, Inc., for approval of an Interconnection Agreement, and Amendment No. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Access Point, Inc. filed on October 23, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Access Point, 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. 01-2040. Filed for public inspection November 9, 2001, 9:00 a.m.]

Telecommunications

A-310043F7000. Verizon Pennsylvania Inc. and NOS Communications, Inc. Joint petition of Verizon Pennsylvania Inc. and NOS Communications, Inc. for approval of a Replacement Interconnection Agreement, Replacing the Current Resale Agreement, under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and NOS Communications, Inc. filed on October 24, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and NOS Communications, 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. 01-2041. Filed for public inspection November 9, 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

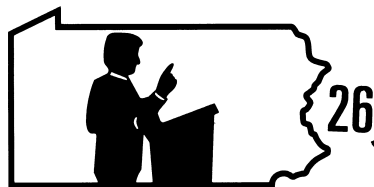
PA Department of Community and Economic Development

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.

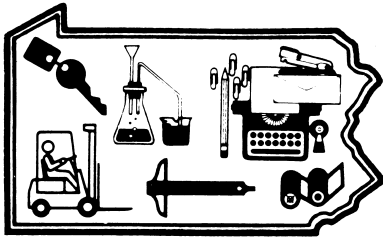
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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

E7711 Metal Projection Podiums—3 to 6 podiums per year depending on agency needs. Stainless steel projection podium for use outside at state park amphitheaters.

Department: Conservation and Natural Resources
Location: Nolde Forest Environmental Education Center, Reading, PA
Duration: Purchase order term will be for 2 years.
Contact: Pamela Stouffer (717) 783-0760

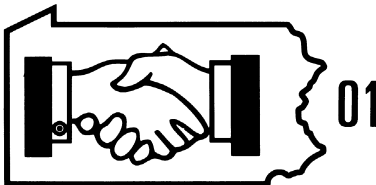
State Bid #266 Multi-Component Transducers.

Department: General Services
Location: Pennsylvania State University, Leonhard Building, University Park, PA
Duration: Due Date: Nov. 13, 2001
Contact: Mr. Steven Blazer (814) 865-5418

State Bid #227 Dynamometer.

Department: General Services
Location: Pennsylvania State University, Leonhard Building, University Park, PA 16802
Duration: Due Date: November 15, 2001
Contact: Mr. Steven Blazer (814) 865-5418

SERVICES



Advertising

CMS#037217 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Tioga County, Group 3-02-F06, CMS NO. 037217. Bid opening date of January 10, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41 - Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Tioga County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#039200 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in BRADFORD County, Group 3-02-F08, CMS NO. 039200. Bid opening date of January 31, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Bradford County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#035074 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Snyder County, Group 3-02-F04, CMS NO. 035074. Bid opening date of January 10, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Snyder County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#038085 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in UNION County, Group 3-02-F07, CMS NO. 038085. Bid opening date of January 31, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Union County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#034175 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Northumberland County, Group 3-02-F03, CMS NO. 034175. Bid opening date of January 10, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Northumberland County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#036064 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Sullivan County, Group 3-02-F05, CMS NO. 036064. Bid opening date of January 31, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

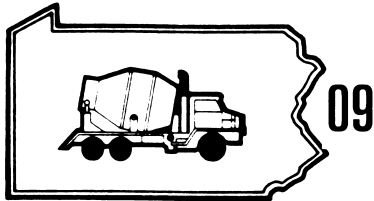
Department: Transportation
Location: Sullivan County
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#031118 For furnishing and delivery of Bituminous Wearing Courses, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Columbia and Montour Counties, Group 3-02-F01, CMS NO. 031118. Bid opening date of January 31, 2002. Contact the Penn Dot Sales Office at Telephone (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Columbia and Montour Counties
Duration: April 1, 2002 to October 31, 2002.
Contact: Larry J. Riggs (570) 368-4263

CMS#032269 For furnishing and delivery of Bituminous Wearing Course, ID-2 and Bituminous Concrete Base Courses to Department Forces Paving and Widening Equipment on Various State Routes in Lycoming County, Group3-02-F02, Cms# 032269. Bid opening date of January 10, 2002. Contact the Penn Dot Sales Office at (717) 787-5968. No prequalification is necessary but producers must be approved in Publication #41—Bulletin #41, Producers of Bituminous Mixtures.

Department: Transportation
Location: Lycoming
Duration: April 1, 2002 to October 31, 2002
Contact: Larry J. Riggs (570) 368-4263



Construction & Construction Maintenance

2-2-00046 This contract will provide manpower, equipment, and all guiderail material for the emergency repair of approximately 5,000 linear feet of strong and/or weak post guiderail (and other guiderail components as needed) at accident damage sites located on Interstate 80 within Clearfield County. The contractor shall be responsible for the removal and disposal of damaged guiderail and installation of new guiderail at accident sites within 5 working days after notification by department personnel on an as needed basis. All requests for bid packages must be requested by fax (814) 765-0681 or telephone (814) 765-0524. Attention: Debbie Swank, Purchasing Agent. All bidders must be prequalified to bid on this contract. PA Prevailing Wage does apply.

Department: Transportation
Location: Clearfield County, District 0220
Duration: One year contract with an option of three 1 year renewals.
Contact: Donna Figula, Roadway Prog. Coord. (814) 765-0665

056001-Rock The Department of Transportation is soliciting bids to remove fallen rock from behind protective fencing and in recovering areas on traffic route 924 and Interstate 81 in Schuylkill County.

Department: Transportation
Location: Traffic Route 924 and Interstate 81
Duration: Three years plus one two year renewal
Contact: Jerry Richter Sr. (570) 385-0800

ME 10877010 Replace sloped roofs on building #7 at the Ebensburg Center.

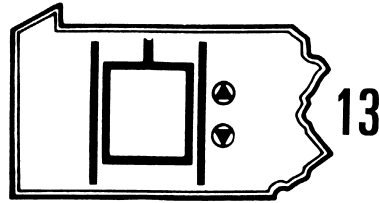
Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, Ebensburg, PA 15931
Duration: 120 days from approval date of project
Contact: Cora M. Davis, PA I (814) 472-0288

C47:1-102.2 Sechler Run Pumping Station Improvements, Electrical, includes but not limited to: installing pumping station control system, replacing battery charging systems, engine block heaters, rear main seals, water and fuel tank pumps, disconnect switch and enclosure on radiators, and automating roof-mounted exhaust fans. This project issues November 9, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Borough of Danville, Montour County
Duration: 510 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994

C47:1-102.1 Sechler Run Pumping Station Improvements, Civil/Mechanical, includes but not limited to: refurbishing existing vertical propeller pumps, right angle gears and drive shafts, and contingent additional refurbishment and repair; replacing existing electric roller gate actuator with new electric roller gate actuator and controls; replacing sump pump, guide rails, discharge piping and immersion heater and installing heat trace and waterproof insulation on new sump pump discharge piping; installing new level transducers and secondary level sensors; and refurbishing and repainting stormwater pump discharge flap gates and roller gate operator stands and gearboxes. This project issues November 9, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Borough of Danville, Montour County
Duration: 510 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



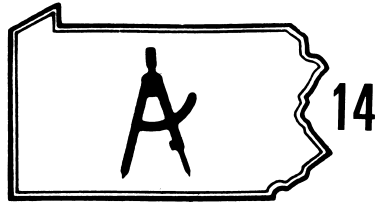
Elevator Maintenance

SP 20776005 This service is to provide maintenance and inspection of all elevators in this hospital. Copies of the bid may be obtained by calling or faxing the Purchasing Department at (610) 740-3425 or Fax (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: July 1, 2002 to June 30, 2006
Contact: Robert Mitchell (610) 740-3425

SP-20876001 Elevator maintenance service for three elevators at Altoona Center. All work shall be accomplished by a fully qualified elevator mechanic. Manufacturer of elevators is South Eastern.

Department: Public Welfare
Location: Altoona Center, 1515 Fourth St., Altoona, PA 16601
Duration: Contract is anticipated to begin 7/01/01 and end 6/30/05.
Contact: Cora M. Davis, PA I (814) 472-0288



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

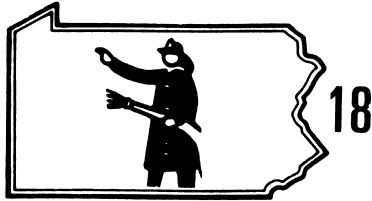
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Financial and Insurance Consulting

01-105-2239 Request for proposals to provide Construction Auditing Services. The services will include a comprehensive review of the Pennsylvania Turnpike Commission's Construction Management Process consisting of an in-depth analysis of Project Management, Procurement, Quality Assurance, and Invoicing for specific construction projects. Copies of the RFP can be obtained by calling (717) 986-9631. Written questions pertaining to the RFP must be received by November 22, 2001. Closing date for receipt of proposals is December 14, 2001.

Department: Turnpike Commission
Location: PTC Central Office, Highspire, PA
Duration: One year from the date of contract execution.
Contact: Michael Begler (717) 986-9631

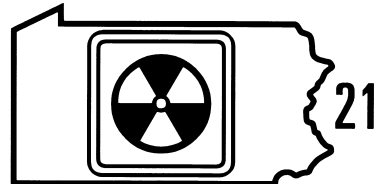


18

Firefighting Services

SU-01-04 Shippensburg University is seeking vendors interested in submitting a bid proposal for the requirements for upgrading the existing Siemens Fire Safety (formerly Pytronics, and Cerberus Pytronics), Modes CXL, Campus Fire Alarm System monitoring and control system for multiple buildings at the University. Interested bidders must fax their request to be added to the Bidders List to Pam King, Administrative Services office at (717) 477-4004, by November 16, 2001. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257-2299
Duration: Through June 30, 2002
Contact: Pamela A. King (717) 477-1121

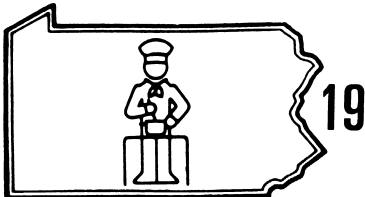


21

Hazardous Material Services

010356 Provide annual inspection, preventive maintenance and repairs, and emergency service for one (1), Sellers, 10,000 gallon, aboveground, heated, asphalt storage tank for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323. Bid packages with detailed requirements available upon request. All requests must be received via email at pcarrara@state.pa.us OR lisanderso@state.pa.us. All requests must include Company Name, Address, Telephone Number, Fax Number, Federal ID Number, Email Address, and Contact Person.

Department: Transportation
Location: 1460 Pittsburgh Road, Franklin, PA 16323
Duration: 1 year with three 1-year renewals
Contact: Patricia J. Carrara (814) 432-3115



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Food

LBP-2002-03 FRESH FRUITS AND VEGETABLES: quantities, specifications and delivery dates can be obtained from the Northeast Veterans Center. Please e-mail request to bpartyka@state.pa.us or fax request to (570) 961-4400. Will be bid quarterly.

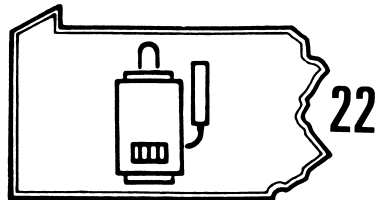
Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2002 through December 31, 2002
Contact: Barbara Partyka, PA-1 (570) 961-4400

LBP-2002-01 MEAT AND MEAT PRODUCTS: Quantities, specifications and delivery dates may be obtained from the Northeast Veterans Center. Please 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

LBP-2002-08 MISCELLANEOUS FROZEN FOOD ITEMS: 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



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HVAC Services

1111000169 The Department of Corrections requires electrical work in the Computer Room.

Department: Corrections
Location: Department of Corrections, 55 Uteley Drive, Camp Hill, PA 17011
Contact: Bonnie Osterling (717) 975-4992



23

Janitorial Services

8346 Furnish materials, equipment, and labor to perform janitorial services four (4) visits per week at the PA State Police, Troop G, Huntingdon Station. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

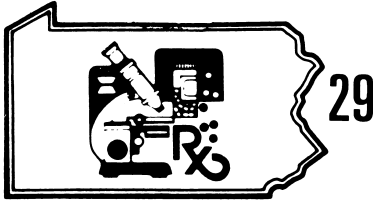
Department: State Police
Location: Troop G, Huntingdon Station, R. D. #1 Box 10A, Huntingdon, PA 16652
Duration: March 2002 through June 30, 2004
Contact: Stacey Logan-Kent (717) 705-5952

LBLA 1279 Laundry trucks including liners. Fax requests for bid package to (570) 372-5675.

Department: Public Welfare
Location: Selingsgrove Center, 1000 U. S. Highway 522, Selingsgrove, PA 17870
Contact: Arletta K. Ney (570) 372-5670

RFP #2001-13 The State System of Higher Education, Office of the Chancellor, is soliciting proposals from contractors to provide custodial maintenance and janitorial services for leased premises at 2300 Vartan Way, Harrisburg, PA. Proposals must be submitted by 3 p.m. November 9, 2001. Interested vendors may obtain a copy of the RFP by contacting the issuing office at lvenneri@sshechan.edu or by calling (717) 720-4135 or go to <http://www.sshechan.edu/Procurement/bids.htm>.

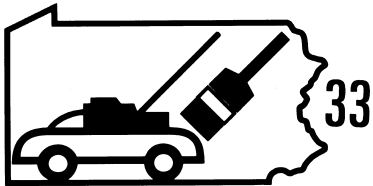
Department: State System of Higher Education
Location: Harrisburg, PA
Duration: 1 Year
Contact: Linda Venneri (717) 720-4135



Medical Services

SP 10882250 Licensed Physical Therapist. The contractor agrees to provide the services of a Licensed Physical Therapist certified by the Commonwealth of Pennsylvania. Contractor shall take referrals from staff physicians and assume responsibility for said referrals regarding the physical therapy needs of our patients. Plans of care, evaluations, forms, reports, charts, logs, etc. are initiated, and are kept current and conforms to State, Federal, and Long Term Care rules and regulations, JCABO standards, and SMRC policies and procedures. The Center has one equipped Physical Therapy Department and will provide all supplies, materials and medical billing. Services will be performed both in the Center's P.T. Department and on the Nursing floors depending upon patient needs and capabilities. Sessions will be held Monday through Saturdays, excluding State holidays and each session shall be four (4) hours per day. Additional specifications will be furnished with bid documents or by contacting South Mountain Restoration Center.

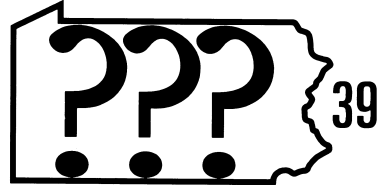
Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: This will be a three year renewable contract
Contact: Jan Blocker (717) 749-4030



Property Maintenance

SP-20876002 Vendor to furnish equipment, labor and anti-skid material to remove snow from two parking areas and driveway at Altoona Center.

Department: Public Welfare
Location: Altoona Center, 1515 Fourth St., Altoona, PA 16601
Duration: Contract anticipated to begin 7/01/02 and end 6/30/05.
Contact: Cora M. Davis, PA 1 (814) 472-0288



Miscellaneous

BE-01001 Provide dumpster service.

Department: Fish and Boat Commission
Location: Walnut Creek Access Area, 241 Manchester Road, Fairview, PA 16415-1710
Duration: January 1, 2002 to December 31, 2004
Contact: Dennis Grove (717) 705-7915

BE-01002 Provide portable toilet service.

Department: Fish and Boat Commission
Location: Walnut Creek Access Area, 241 Manchester Road, Fairview, PA 16415-1710
Duration: January 1, 2002 to December 31, 2004.
Contact: Dennis Grove (717) 705-7915

SP 1111600031 Contractor shall provide spiritual services to all inmates of the protestant faith at SCI-Chester.

Department: Corrections
Location: SCI-Chester, 500 E. 4th St., Chester, PA 19013
Duration: January 1, 2002—December 31, 2004
Contact: Jacqueline Newson, Purchasing Agent (610) 490-4370

SP 10777028 Test & Service two (2) Wet Sprinkler Systems and three (3) Dry Sprinkler Systems.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1, 2002 through December 31, 2006
Contact: Stanley Rygelski, PA (570) 587-7291

[Pa.B. Doc. No. 01-2042. Filed for public inspection November 9, 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
0028-04	10/25/01	Vector Business	646,024.60
0029-03	10/25/01	Digital-Ink	36,990.20
4240-01 rip#3	10/19/01	Car Seat Specialty	25,000.00
4240-01 rip#3	10/19/01	Graco Children's Products	25,000.00
7485-01	10/26/01	Buckeye Business Products	11,493.98
7485-01	10/26/01	Corp Express Imaging/Computer Graphic Supplies	122,495.94
7485-01	10/26/01	Logans Marketing	51,135.82
7485-01	10/26/01	Phillips Office Products	17,133.43

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
7485-01	10/26/01	UNEQ	106,694.85
7485-01	10/26/01	Unisys	12,244.16
8105-02	10/22/01	Direct Access	500,600.00
8415-04 rip#2/sup#2	10/19/01	Leventhal LTD	5,000.00
8415-04 rip#2/sup#2	10/19/01	Starr Uniform	10,000.00
9905-13 sup#2	10/18/01	Correctional Industries	10,275.20
1108811-01	10/29/01	Unisys	42,495.00
8251280-01	10/29/01	Ingersoll Rand Equipment/Services	48,500.00
8251280-02	10/29/01	Cleveland Brothers Equipment	92,406.00

KELLY P. LOGAN,
Acting Secretary

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