

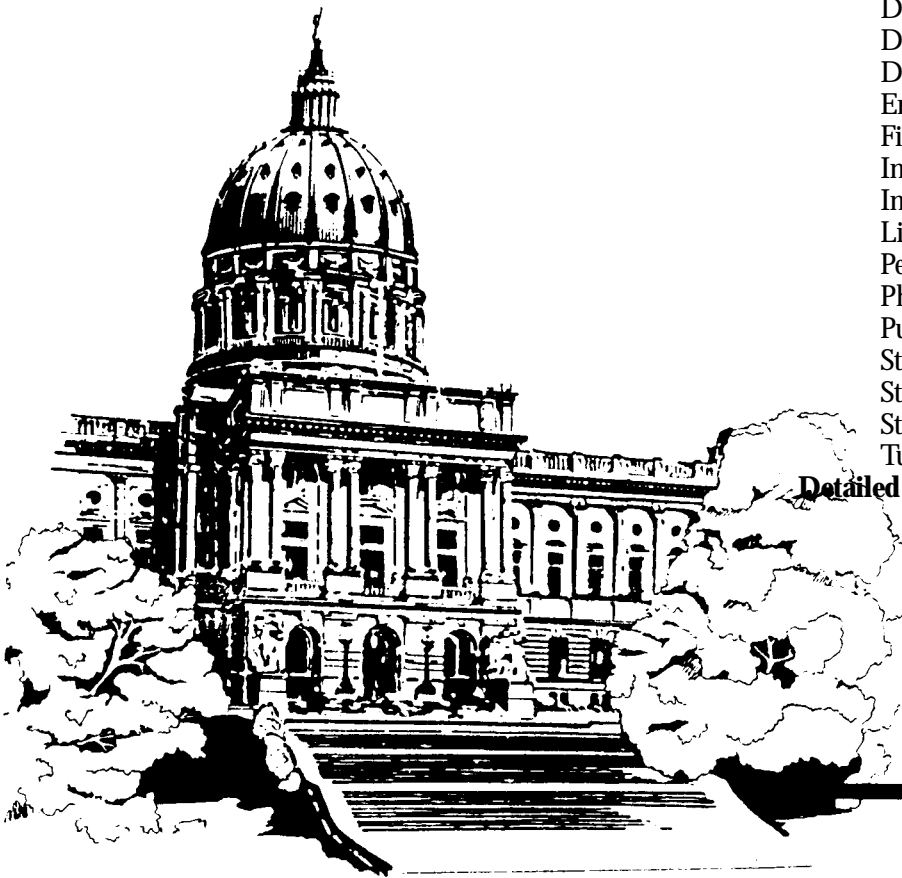
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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State Board of Psychology
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Turnpike Commission

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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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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

December 5, 2001

Whereas, on September 11, 2001, then Governor Ridge proclaimed a State of Disaster Emergency in response to the acts of terrorism in New York City, New York, Washington, D.C., and Somerset County, Pennsylvania; and

Whereas, response to the terrorist attacks required the Commonwealth's supplementation of emergency resources and mutual aid to other states and to the county and municipal governments of this Commonwealth; and

Whereas, there continues to be a need for the Commonwealth to provide supplementary personnel and other resources at critical facilities in Pennsylvania, such as airports and nuclear power plants, in order to provide additional security, monitoring and other measures to protect the safety and well-being of the citizens of Pennsylvania; and

Whereas, the Federal government, through the Office of Homeland Security and the Department of Justice, has asked all state and municipal governments to commit additional resources, in the form of National Guard and law enforcement personnel, urban search and rescue and hazardous materials response teams and other resources, in order to provide additional emergency response, security and law enforcement resources in the ongoing fight against terrorism, and

Whereas, in response to the request from the Federal government to provide law enforcement, security and other forms of assistance at critical facilities and other locations in Pennsylvania and because there is a need to provide such assistance in order to protect the health, safety and welfare of the citizens of Pennsylvania from possible future acts of terrorism;

Now Therefore, I, Mark Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S. Section 7101 et seq., as amended, and other laws of the Commonwealth, do hereby amend the Proclamation of September 11, 2001, as follows;

1. The period of the state of disaster emergency is extended from December 9, 2001 to March 9, 2002.

2. I hereby transfer an additional \$1,000,000.00 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

3. I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency such individuals and units of the Pennsylvania National Guard as may be needed to provide security and other public safety measures at critical facilities in Pennsylvania and to alleviate the danger to public health and safety caused by the aforementioned emergency; and

4. I hereby authorize the Commissioner of the Pennsylvania State Police to use all available equipment, resources and personnel of the Department, in whatever manner he deems necessary, to ensure that the public health, safety, and welfare of the Commonwealth's citizens are protected at this time of emergency; and

THE GOVERNOR

5. I hereby direct that the other operational provisions of the September 11, 2001, Proclamation that remain applicable to the current emergency circumstances in Pennsylvania shall continue in full force and effect.

6. This Proclamation amendment shall take effect immediately from the date of this amendment.

GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, this fifth day of December in the year of our Lord, two thousand and one and of the Commonwealth, the two hundred and twenty-sixth.



Governor

[Pa.B. Doc. No. 01-2262. Filed for public inspection December 21, 2001, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 7]

Amendment to Rules of Procedure No. 102, 701 and 704—706; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted proposed amendments to Rules of Procedure No. 102, 701, and 704—706, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Rules of Procedure 102, 701, and 704—706 shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER I. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

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

* * * * *

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

* * * * *

ARTICLE III. OTHER PROCEEDINGS

CHAPTER 7. OTHER RELIEF

Rule 701. Other Relief Generally.

Whenever the Board [or a Judicial Officer] seeks relief [on grounds] other than by the filing of formal charges pursuant to Article V, § 18(b)(5) of the Pennsylvania Constitution, it shall be initiated by a Petition for Relief as provided in this Chapter.

Rule 704. [Motion to Dismiss] Conference Judge.

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

The motion shall state with particularity the grounds for the motion and the facts and legal principles which support each ground. The motion shall be divided into consecutively numbered para-

graphs, each containing only one material allegation as far as practicable.]

The President Judge may appoint a member of the Court to serve as Conference Judge on the case as provided by the rules of this Chapter 7.

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

[(A) Any party may file a reply to the motion to dismiss within 10 days of the filing of the motion unless the Court shortens or lengthens the time for filing such reply.

(B) The reply shall be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion. The reply shall meet the allegations of the motion.]

(A) The Conference Judge may schedule argument or an evidentiary hearing on the petition.

(B) The President Judge may schedule argument before the full Court on the petition.

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

Rule 706. [Preliminary Motions] Verification.

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

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

A petition or answer which sets forth facts which do not already appear of record, shall be verified by the party filing it or by counsel for the Board, subject to penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

[Pa.B. Doc. No. 01-2263. Filed for public inspection December 21, 2001, 9:00 a.m.]

[207 PA. CODE CH. 4]

Amendment to Rule of Procedure No. 411 Relating to Omnibus Motion; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed an amendment to Rule of Procedure No. 411(A), and having published said amendment at 31 Pa.B. 6032 dated November 3, 2001, said amendment is hereby withdrawn.

The Court, having proposed a new amendment to Rule 411(A), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

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

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

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 411. Omnibus Motion.

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

* * * * *

[Pa.B. Doc. No. 01-2264. Filed for public inspection December 21, 2001, 9:00 a.m.]

[207 PA. CODE CH. 21]

Internal Operating Procedures; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having decided to eliminate Sections 402—405 of the Internal Operating Procedures, said Sections following hereto, *It Is Hereby Ordered* that the elimination of Sections 402—405 of the Internal Operating Procedures shall become effective immediately.

Annex A

TITLE 207. JUDICIAL COURT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE IV. INTERNAL OPERATING PROCEDURES

CHAPTER 21. INTERNAL OPERATING PROCEDURES

REQUESTS FOR OTHER RELIEF

[§ 402. Conference Judge.

As provided under C.J.D.R.P. No. 706, the President Judge may appoint a Conference Judge or Judges to preside over preliminary motions arising in a matter commenced under Chapter 7. The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference

Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under the Court's Rules of Procedure and these Internal Operating Procedures. When the Conference Judge or Judges deem that a ruling regarding a preliminary motion should be deferred to the judgment of the full Court, they shall forward to the President Judge a memorandum describing the issue to be resolved by the full Court.

§ 403. Preliminary Motions Deferred to the Full Court.

When a Conference Judge defers to the full Court a preliminary motion under C.J.D.R.P. No. 706, the President Judge shall set a date for hearing or argument before the full Court, if the matter requires the presentation of evidence or warrants oral argument, or may convene the Court by teleconference, if the matter does not require the presentation of evidence or oral argument.

§ 404. Hearing and Oral Argument Requested.

When a Petition for Relief filed by the Judicial Conduct Board under C.J.D.R.P. No. 702 indicates that an evidentiary hearing or oral argument is required, the President Judge shall review the request. If following the filing of a judicial officer's response, the President Judge concludes that the presentation of evidence or oral argument is required, he or she shall set a date for hearing or oral argument.

§ 405. Deliberation and Decision.

Following the receipt of the judicial officer's answer to the Judicial Conduct Board's Petition, or, if the Court has elected to convene for a formal hearing or oral argument under I.O.P. No. 404, following the hearing or oral argument, the Court shall deliberate upon the issues and relief requested. If a formal written decision requiring findings of fact and conclusions of law is warranted, the President Judge shall designate a Judge to draft said findings of fact and conclusions of law. Drafting of such findings and conclusions, circulation, voting and filing, shall be accomplished in the same manner in which such decisions are processed under Section 2 of these Internal Operating Procedures, relating to Formal Complaints. If the full Court deems that an Order only is warranted, the President Judge shall direct Counsel to prepare an Order that incorporates the decision of the Court, which shall be approved by the President Judge for circulation and approval by the full Court.]

[Pa.B. Doc. No. 01-2265. Filed for public inspection December 21, 2001, 9:00 a.m.]

Court Sessions; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 5th day of December, 2001, it is hereby Ordered that the sessions of the Court of Judicial Discipline shall be held in the year 2002 commencing as follows:

January 22—24
 April 8—10
 July 15—17
 October 21—23
 December 16—18

[Pa.B. Doc. No. 01-2266. Filed for public inspection December 21, 2001, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Disposition of Municipal Court Appeals; Administrative Doc. 12 of 2001

And Now, this 3rd day of December 2001, it is *Ordered* that both Administrative Docket No. 4 of December 30, 1993 and Administrative Docket No. 5 of March 17, 1994 relative to the procedures for Municipal Court Appeals are Vacated.

These vacated Orders shall be replaced by this Administrative Docket No. 12 of 2001. This Order addresses separately Municipal Court money judgment appeals and Municipal Court Landlord and Tenant appeals.

Municipal Court Money Judgment Appeals

Effective Wednesday, January 2, 2002 all Appeals from Orders and Judgments of the Municipal Court involving money judgments (that is, not Landlord and Tenant matters) shall be scheduled for a Compulsory Arbitration Hearing at the Common Pleas Court Arbitration Center, Five Penn Center Plaza. All Municipal Court appeals presently scheduled for dates after January 2, 2002 in Courtroom 1103 in the Criminal Justice Center shall be rescheduled for the Arbitration Center in accordance with a schedule determined by the Supervising Judge of the Civil Division and the Manager of the Arbitration Center. Notice of the hearing date will be sent by the Court.

All Motions and Petitions filed in connection with these Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to one of the Motion Court judges.

Municipal Court Landlord and Tenant Appeals

Effective Monday, April 1, 2002, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters will be filed as provided by Philadelphia Civil Rule Nos. 310, 311 and 312. These cases will be scheduled for disposition before a judge of the Common Pleas Court as assigned by the Supervising Judge of the Arbitration Appeals Program.

All Motions and Petitions filed in connection with these Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to one of the Motion Court judges.

For that time period between January 2, 2002 and March 29, 2002 *only*, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters shall be filed as above, but will be scheduled to be heard by a judge of the Municipal Court who has been assigned to preside as a Judge of the Court of Common Pleas by the President Judge of the Court of Common

Pleas of Philadelphia pursuant to Section 9(b) of the Act of July 9, 1976, P. L. 586 No. 146 as affected by the Act of December 20, 1982, P. L. 1409, No. 326, § 316 (See 42 Pa.C.S.A. § 4121). For this time period only, these cases will continue to be heard in Courtroom 1103 Criminal Justice Center.

By the Court

JOHN W. HERRON,
Administrative Judge

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 January 2, 2002. 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 Administrative 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 web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-2267. Filed for public inspection December 21, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Protection From Abuse Act; No: 01-2712

Administrative Order 27-2001

And Now, this 7th day of December, 2001, pursuant to the Protection From Abuse Act 1990, Dec. 19, P. L. 1240 No. 206, 23 Pa.C.S., Section 6101 et seq and Pa.R.C.P. 1901.2, it is hereby

Ordered and Deceed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas *Establishes* the following procedure relative to the filing of Protection From Abuse actions:

1. Due to the time necessary to complete the Protection From Abuse intake process, this Court deems itself *Unavailable* from 3:00 P.M. each business day to the resumption of business on the next morning that the Court is in session at 8:30 A.M.

2. During any such period in which the Court is not available, a Petition for Temporary Protection From Abuse may be filed before any District Justice within the County who may grant relief in accordance with the relevant provisions of the Protection From Abuse Act if that District Justice deems it necessary to protect the Plaintiff or Minor Children from abuse, upon cause shown, in an ex parte proceeding. Immediate and present danger of abuse to the Plaintiff or Minor Children shall constitute cause shown.

3. Any order issued by a District Justice shall remain in full force and effect until the end of the next business day in which the Court is in session.

4. Upon issuance of an Emergency Order, the District Justice shall provide the Plaintiff with instructions regarding the commencement of proceedings in the Court of Common Pleas at the beginning of the next business day between 8:30 A.M. and 3:00 P.M. and regarding the procedures for initiating a contempt charge should the Defendant violate the Emergency Order. The District Justice shall also advise the Plaintiff of the existence of programs for victims of domestic violence in the County and shall inform the Plaintiff of the availability of legal assistance without cost if the Plaintiff is unable to pay for legal assistance.

5. This Administrative Order shall remain in full force and effect until further notice.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 01-2268. Filed for public inspection December 21, 2001, 9:00 a.m.]

CARBON COUNTY

Rescission of Local Rule of Civil Procedure L1920.22 Discovery in Divorce/Annulment Cases; No. 97-2389

Administrative Order 26-2001

And Now, this 4th day of December, 2001, it is hereby *Ordered* and *Decreed* that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon

County Court of Common Pleas hereby *Rescinds* Local Rule of Civil Procedure L1920.22 governing Discovery Motions filed in Divorce and Annulment cases.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 01-2269. Filed for public inspection December 21, 2001, 9:00 a.m.]

SUPREME COURT

Standards for Passing the Pennsylvania Bar Examination; No. 285, Supreme Court Rules, Doc. No. 1

Order

Per Curiam:

And Now, to wit, this 6th day of December, 2001, it is hereby ordered that:

Commencing with the Pennsylvania Bar Examination to be administered in July 2002, and until further Order of this Court, one Performance Test question developed by the Pennsylvania Board of Law Examiners may be used in lieu of a Multistate Performance Test question as a component of the essay portion of the bar examination.

[Pa.B. Doc. No. 01-2270. Filed for public inspection December 21, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Solvent Cleaning Operations

The Environmental Quality Board (Board) amends §§ 121.1 and 129.63 (relating to definitions; and VOC cleaning operations) to read as set forth in Annex A.

The final-form rulemaking adds and revises definitions for terms in Chapter 121 (relating to general provisions) that are used in the substantive sections of Chapter 129 (relating to standards for sources). A new § 129.63 replaces the current § 129.63 to update equipment requirements for solvent cleaning machines to make the requirements consistent with current technology. In addition, the operating requirements in § 129.63 are revised to specify improved operating practices. The final-form rulemaking also specifies volatility limits for solvents used in cold cleaning machines.

This order was adopted by the Board at its meetings of September 18, 2001, and October 16, 2001.

A. *Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

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

C. *Statutory Authority*

This action is being taken under the authority of section 5 of the Air Pollution Control Act (APCA) (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 of the Amendments*

The purpose of this final-form rulemaking is to reduce volatile organic compounds (VOCs) emitted from solvent cleaning operations. This final-form rulemaking is a part of the Commonwealth's plan to achieve and maintain the National Ambient Air Quality Standard (NAAQS) for ozone in this Commonwealth. These recommendations were supported by the Reading-Lehigh Valley and Southcentral Ozone Stakeholder Groups, which met subsequent to the proposed rulemaking. The final-form rulemaking is based on the recommendations of the Southwest and Southeast Pennsylvania Ozone Stakeholders Working Groups, which recommended that the Department of Environmental Protection (Department) revise the requirements relating to use of solvents for cleaning of parts in order to reduce emissions of ozone precursors.

The final-form rulemaking revises requirements for the operation of solvent cleaning machines. In general, indus-

try uses two types of solvent cleaning machines—vapor and cold cleaning. Based on available inventory data and information, the Department estimates that there are fewer than 100 vapor machines and over 71,000 cold cleaning machines in this Commonwealth. Solvent cleaning machines are used in a variety of settings including auto repair facilities, manufacturing operations and maintenance shops at commercial, industrial and institutional facilities. These requirements only apply to those operations that use solvents containing greater than 5% VOC content by weight for the cleaning of metal parts. In addition, the final-form rulemaking exempts solvent cleaning machines that are subject to the Federal Maximum Achievable Control Technology (MACT).

The final-form rulemaking provides operators of solvent cleaning machines a choice of compliance options for meeting the requirements of this final-form rulemaking. In general, owners and operators of affected solvent cleaning machines can either implement a program using low volatility solvents or they can assure that the affected units meet specific hardware requirements. These compliance options will reduce the evaporative loss of solvents, which will improve air quality and reduce operating costs.

The final-form rulemaking is based, in part, on the recommendations of a separate, technical workgroup formed to consider the recommendations of the Southeast and Southwest Ozone Stakeholder Working Groups. These groups consisted of representatives of the major equipment and solvent suppliers, the automotive service industry, environmental groups and regulatory agencies. The final-form rulemaking was developed taking into account technology, environmental, economic and enforcement considerations. These groups also believe that the best way to implement the amendments is through an outreach and education program to the users of solvent cleaning equipment, particularly small businesses.

Some of the VOC control requirements in the final-form rulemaking are more stringent than the control requirements in the Federal Control Techniques Guidelines issued in November 1977. Both the technical workgroup and the stakeholders determined that these revised control requirements were necessary for solvent cleaning operations to enable the Commonwealth to attain and maintain the ozone NAAQS.

Specifically, the final-form rulemaking includes requirements adopted in the Federal MACT standard for solvent cleaning operations utilizing nonhazardous air pollutant VOC solvents, as well as hazardous air pollutant (HAP) VOC solvents. The final-form rulemaking will discourage operators from converting to non-HAP VOC solvents to avoid the more stringent MACT requirements, which could adversely affect air quality.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of the final-form rulemaking. At its May 24, 2001, meeting, AQTAC discussed certain provisions related to mandatory operating requirements for cold cleaners. These provisions related to the specified minimum requirements for draining of parts, location of work area fans and the operation of pump agitators in solvent baths. AQTAC concluded that these provisions were too subjective to be included as enforceable regulations. Therefore, these provisions were

deleted from the final-form rulemaking, but will be included in outreach information as suggestions for operators to minimize emissions.

E. *Summary of Regulatory Revisions*

The final-form rulemaking amends Chapter 121 by adding and revising definitions of the terms used in the substantive provisions of Chapter 129. The new definitions include: "airless cleaning system," "airtight cleaning system," "batch vapor cleaning machine," "carbon adsorber," "cold cleaning machine," "dwell," "dwell time," "extreme cleaning service," "freeboard refrigeration device," "idling mode," "immersion cold cleaning machine," "in-line vapor cleaning machine," "reduced room draft," "remote reservoir cold cleaning machine," "solvent/air interface," "solvent cleaning machine," "solvent cleaning machine automated parts handling system," "solvent cleaning machine down time," "solvent vapor zone," "superheated vapor system," "vapor cleaning machine," "vapor cleaning machine primary condenser," "vapor pressure," "vapor up control switch" and "working mode cover." The amended definition includes "freeboard ratio." The definition of "solvent cleaning machine idle time" is deleted. Proposed revisions to the definition of "hand-wipe cleaning operation" are deleted in the final-form rulemaking.

Except for those machines subject to the Federal National Emission Standard for Hazardous Air Pollutants (NESHAP) for halogenated solvent cleaners under 40 CFR Part 63, the changes to § 129.63(a)—(c) and the addition of § 129.63(d) apply to cold cleaning machines, batch vapor cleaning machines, in-line vapor cleaning machines, airless cleaning machines and airtight cleaning machines that use solvents containing greater than 5% VOC content by weight to process metal parts. The final-form rulemaking updates equipment requirements for these solvent cleaning machines to make the equipment requirements consistent with current technology. These equipment specifications are consistent with the Federal MACT requirements for solvent cleaning machines. However, as described in Section D of this Preamble, the final-form rulemaking is, in part, more stringent than the control requirements in the Federal Control Techniques Guidelines. Finally, § 129.63(e) specifies volatility limits for solvents in certain cleaning machines. There are no Federal volatility limits for solvents.

Specifically, § 129.63(a) applies to cold cleaning machines. However, certain types of operations are exempt from some of the amendments, like cold cleaning machines used in extreme cleaning service and when compliance would result in unsafe operating conditions.

Section 129.63(b) applies to batch vapor cleaning machines.

Section 129.63(c) applies to in-line vapor cleaning machines.

Section 129.63(d) applies to airless cleaning machines and airtight cleaning machines.

Section 129.63(e) provides alternative provisions for solvent cleaning machines and requires operators to maintain compliance records.

The final-form rulemaking will be submitted to the Environmental Protection Agency (EPA) as an amendment to the State Implementation Plan (SIP).

F. *Comments and Responses*

Following publication of proposed rulemaking at 29 Pa.B. 4661 (August 28, 1999), the Board received com-

ments from 21 commentators including the Independent Regulatory Review Commission (IRRC). A summary of the comments and responses follows.

One commentator thought that it may be difficult for operators to find suitable, low volatility, replacement solvents, and if they are available, they may be costly and result in production inefficiencies and quality problems.

The Board understands this concern, and the final-form rulemaking provides operators a choice of compliance options for cold cleaners. Operators of affected cold cleaners can either implement a program using low volatility solvents or they can assure that the affected unit meets specific hardware requirements. For most, if not all applications, however, low volatility solvents and aqueous cleaning systems can provide acceptable cleaning at an acceptable or reasonable cost, which will alleviate cost, production and quality problems. In addition, the final-form rulemaking exempts machines that are subject to the Federal MACT.

Several commentators believed that the proposed rulemaking was too broad since it extends the Federal MACT standard to all solvent cleaning operations, including those using non-HAP VOC solvents and non-VOC solvents. In addition, the commentators noted that the Board has not demonstrated that these provisions, which are more restrictive than the Federal requirements, are necessary to attain the NAAQS. This is contrary to Executive Order 1996-1 and section 4.2 of the APCA (35 P. S. § 4004.2).

The Board, in part, agrees. The final-form rulemaking applies only to those solvent cleaning machines using VOCs in the cleaning solvent. The final-form rulemaking does not apply to aqueous cleaning systems or to other cleaning systems using compounds listed by the EPA as exempt by the Administrator of the EPA. However, the Board believes that it is necessary to have essentially the same level of control requirements for vapor cleaning machines using non-HAP VOC solvents as for HAP VOC solvents. Lower levels of control requirements for non-HAP VOC machines could result in switching from non-VOC HAP solvents to non-HAP VOCs with the resulting potential for increased ozone formation. While the final-form rulemaking is, in part, more stringent than Federal requirements, the emission reductions that will result from this final-form rulemaking are a significant part of the Commonwealth's efforts to continue toward attainment and maintenance of the health-based NAAQS for ozone throughout this Commonwealth. As a result, this final-form rulemaking is neither contrary to Executive Order 1996-1 nor to section 4.2 of the APCA.

One commentator felt there was no supporting information to justify extending the requirements of the revised solvent cleaning limits beyond areas designated as moderate or severe ozone nonattainment with the 1-hour NAAQS. This final-form rulemaking has been designed not only to achieve but to maintain the ozone standard throughout this Commonwealth. In addition, with over 75,000 solvent cleaning machines throughout this Commonwealth, the Board has determined that to limit the final-form rulemaking to the Southeastern and Southwestern regions only would be inequitable since it would leave businesses in those regions at a competitive disadvantage.

One commentator thought that the definition of "solvent" was too broad and should not include non-VOC compounds that are exempted under the EPA's definition of VOC. Since this proposed rulemaking is to address

ozone air quality issues, it did not seem reasonable to impose additional control requirements on materials that do not contribute to the ozone problem. Non-VOC cleaners should be exempt from the requirements.

The Board agrees. The final-form rulemaking has been revised to apply only to solvent cleaning machines using cleaning solvents that contain VOCs. As a result, the definition of "solvent cleaning machine" does not include non-VOC compounds.

One commentator believed the requirements of the provisions for cold cleaners should be limited to machines used for the removal of grease or contaminants, and should not extend to the removal of coatings and materials, such as photoresist, used in the electronics industry.

The Board agrees. The definition of "solvent cleaning machine" has been revised in the final-form rulemaking by removing the reference to removal of coatings. Removal of coatings, such as photoresist, is not considered solvent cleaning for purposes of this final-form rulemaking.

Another commentator felt the provisions related to cold cleaning should be limited to the cleaning of metal parts. The Board agrees. The final-form rulemaking has been revised to apply only to the cleaning of metal parts.

One commentator believed that there should be a de minimis threshold for solvent cleaning machines. The Board agrees. The final-form rulemaking establishes a de minimis threshold for cold cleaning operations that contain 2 gallons or more of VOC solvents.

Another commentator believed the 10 square foot de minimis applicability criteria in the existing regulation should be retained because these machines do not generate significant emissions. The Board disagrees. The sheer number of small cold cleaning solvent units and the aggregate mass of emissions from these machines, based on emission factor estimates, indicates a need for measures to reduce emissions from smaller sources. In addition, the emission reductions techniques for cold cleaners, in many cases, have been implemented. The operators of small vapor cleaning machines may implement one of several compliance options or they may demonstrate that emissions meet an alternative emission limit as set forth in the regulation.

One commentator believed that the proposed rulemaking should be no more stringent than the MACT for cold cleaners and allow the use of the six halogenated solvents covered by the MACT. The Board agrees. The final-form rulemaking allows the use of solvents that exceed the 1.0 mm Hg volatility limit, if the cold cleaning machine has a freeboard ratio of 0.75 or greater.

One commentator felt the final-form rulemaking should exempt cold cleaning machines that are covered by the MACT. In addition, MACT requirements should not be mandated for machines using non-HAP VOC solvents.

The Board, in part, agrees. Cold cleaning machines that use non-VOC solvents are not covered by the final-form rulemaking. However, machines using HAP or non-HAP solvents that are also VOCs are subject to the final-form rulemaking. The Board believes that it is necessary to have essentially the same level of control requirements for vapor cleaning machines using non-HAP VOC solvents as for HAP VOC solvents. Lower levels of control requirements for non-HAP VOC solvent machines could result in switching from non-VOC HAP solvents to VOC solvents, with the resulting potential for increased ozone formation. In addition, the final-form rulemaking has been

revised to specify that cold cleaning machines subject to the MACT are exempt from § 129.63.

Another commentator thought the requirement to dispose of hand-wipe cleaning rags into closed containers will prohibit air-drying of rags and increase disposal costs, particularly for small businesses.

The Board agrees. While the Board is concerned that the practice of "air drying" of solvent cleaning rags will result in the emissions of HAPs and VOCs, the Board also does not believe that imposing regulatory requirements to prohibit this practice is the best approach to the issue, and has deleted the requirement from the final-form rulemaking, except for aerospace operations. Hand-wipe cleaning rags in aerospace operations have been subject to requirements to store solvent-laden rags in closed containers under existing requirements, and these will be retained. For other hand-wipe activities, the Board encourages, but will not require, operators to implement pollution prevention programs, including use of non-VOC and non-HAP solvents for hand-wipe cleaning.

Several commentators believed that the Board's calculation of the VOC reductions and program implementation costs are flawed. The majority of the VOC losses from cold cleaners are from drag-out and not from standing losses. Reducing the volatility of the solvent will not significantly reduce the drag-out of solvents on parts. It will only increase the parts drying time and may reduce production efficiency.

The Board disagrees. Based on information developed by Maryland and incorporated into an SIP revision approved by the EPA, the Board believes that the emission reductions predicted are accurate and applicable to this Commonwealth. Costs of compliance for cold cleaning machines may, in fact, be overstated. Suppliers of solvents and machines have indicated that a significant segment of the industry has already changed solvent blends and that much of the solvent in use meets the 1 mm Hg volatility limit. These amendments were made to facilitate compliance with other requirements, including those related to hazardous material transport. Therefore, the costs that were predicted for changing to low volatility solvents have in many cases already been imposed and would continue regardless of the 1 mm Hg volatility limit.

One commentator thought the requirement for a freeboard ratio of 0.75 or greater for immersion cold cleaners will result in the replacement of a large number of serviceable cold cleaning machines at great cost to industry. The final-form rulemaking should adopt a size limitation for the applicability of the 0.75 freeboard ratio. Alternatively, the final-form rulemaking should specify a freeboard ratio of 0.50 for all immersion cold cleaning machines.

The Board disagrees. The final-form rulemaking allows operators of cold cleaning machines the option of using low volatility (1 mm Hg) solvents in a machine with a freeboard ratio of 0.5 or greater. A freeboard ratio of 0.75 or greater is required only if the solvent volatility is greater than 1 mm Hg. As a result, there will not be high costs for replacement since operators have compliance options.

Several commentators believed the provisions should provide an exemption for certain electronics manufacturing operations because low solvents are not available to meet the cleaning needs for production of silicon wafers used for semiconductors.

The Board agrees. The final-form rulemaking applies only to the cleaning of contaminants from metal parts. Therefore, removal of contaminants such as photoresist, during the production of silicon wafers, is not subject to the final-form rulemaking.

One commentator felt the use of low vapor pressure solvents created a substantial risk if residual solvents are exposed to reactive atmospheres. An exception should be made to the volatility requirements in the regulation if there are compelling health and safety reasons.

The Board agrees. The final-form rulemaking specifies safety related exemptions. Cold cleaning machines used in extreme cleaning service, such as highly reactive or corrosive atmospheres, are exempt from the solvent volatility requirements. In addition, if the owner or operator of the cold cleaning machine demonstrates that compliance with the volatility requirements will result in unsafe operating conditions, an exemption can be granted by the Department.

One commentator felt the final-form rulemaking should exempt halogenated solvent cleaning machines provided the solvent cleaning machine is subject to the Federal NESHAP, under 40 CFR Part 63.

The Board agrees. The final-form rulemaking has been revised to provide this exemption for all cleaning machines subject to the Federal NESHAP.

One commentator felt the proposed rulemaking did not discuss the impacts of the final-form rulemaking and applicability levels of the Department's plan approval and permitting process. Major sources will be subject to reasonably available control technologies (RACT), Title V and perhaps the NESHAP.

The current regulations exempt certain sources and classes of sources from plan approval and permitting requirements for a number of reasons, including insignificant levels of emissions. The final-form rulemaking will not alter those determinations already made under § 127.14(a)(8) (relating to exemptions). If an existing source is large enough to be considered a major source, the source could be affected by other programs such as RACT, Title V and the NESHAP. The final-form rulemaking will affect those determinations.

A commentator indicated that the final-form rulemaking will become Federally enforceable as part of the SIP and that the requirements must be included in the Title V permit. That would pose compliance certification problems because of the sweeping nature of the requirements.

The Board disagrees. Whether or not the regulations are part of the SIP, the requirements will be included in the Title V permit, and the operator will be required to certify compliance. However, the final-form rulemaking contains a number of revisions that should minimize the compliance certification concerns. Among these are the establishment of a de minimis level of 2 gallons for cold cleaners and limiting the final-form rulemaking's applicability to the cleaning of metal parts.

One commentator believed the Board has not explained the implications of the final-form rulemaking for permitted sources.

The establishment of these requirements will impact only those sources with Title V permits that have more than 3 years remaining in the life of the permit. The Department will develop a program to minimize the impact on the facilities that are affected. The revisions do not specifically require permitting activities.

One commentator felt the Board has not identified any nonregulatory alternatives to this final-form rulemaking or explained why it disagrees with the EPA's conclusion that existing regulations are adequate to protect the public health.

The Board has determined that the emission reductions that will result from this final-form rulemaking are a significant component of the Commonwealth's strategy to continue toward attainment and maintenance of the health-based NAAQS for ozone throughout this Commonwealth. Although certain of the requirements in the final-form rulemaking may be met through voluntary measures, for the emission reductions to be creditable in the SIP, there must be an enforceable program to assure that they are permanent.

One commentator felt the Board has not described a compelling public interest that demanded stronger regulation than the current Federal standards.

The Board disagrees. Much of this Commonwealth is in nonattainment with the health-related NAAQS for ozone. Reductions of the precursors of ozone formation, VOC and oxides of nitrogen are necessary to move the Commonwealth toward attainment and maintenance of the health-related standard. Attaining and maintaining the ambient ozone standard will reduce the incidence of respiratory problems in susceptible individuals, the young, asthmatics, the elderly and those with preexisting respiratory problems. In addition, the emission reductions that will result from this final-form rulemaking are a significant component of the Commonwealth's strategy to continue toward attainment and maintenance of the health-based NAAQS for ozone throughout this Commonwealth.

One commentator felt the proposed language of § 129.63 varied from the comparable Federal provisions in 40 CFR 63.463 (relating to batch vapor and in-line cleaning standards). The Department should either conform its requirements to the Federal requirements or adopt the Federal NESHAP by reference.

The Board agrees. The final-form rulemaking exempts from the requirements of § 129.63 those machines subject to the Federal MACT. Therefore, there are no inconsistent provisions applicable to solvent cleaning machines.

One commentator thought the Board had not identified the outreach efforts it will use to assist in the implementation of the requirements.

The Board has found that because most of the affected solvent cleaning machines are located at small businesses such as automotive repair facilities, the Department will work closely with the Small Business Compliance Assistance Program to alert these operators. In addition, because many of these machines are installed and operated under contract with service providers, the Department will coordinate its outreach efforts closely with these businesses.

One commentator felt the Board had not identified the emission reductions that will result from the implementation of the final-form rulemaking.

The EPA emission factor estimates indicate that unregulated emissions from cold cleaning activities from facilities such as automobile repair facilities, where small cold cleaning units predominate, and from manufacturing cold cleaning are approximately 3.6 pounds per person per year. Based on an estimated population of 12.1 million and this emission factor, unregulated emissions are estimated to be 21,780 tons per year Statewide. Based on determinations of emission reduction benefits of approximately 66% resulting from reduced solvent volatility

for the Maryland SIP approved by the EPA, the Board estimates that the requirements will result in enforceable emission reductions of approximately 14,375 tons per year Statewide.

One commentator believed the Board had not explained why the proposed rulemaking requirements deviated from the Federal MACT.

The Board did not intend for the requirements in the proposed rulemaking to deviate from or conflict with the Federal MACT. The final-form rulemaking has been revised to exempt from the requirements in § 129.63 any solvent cleaning units subject to the Federal MACT.

One commentator felt the Board should assure that the final-form rulemaking addressed situations when low volatility solvents or the specified compliance options are not viable options for solvent cleaning machines.

The Board agrees. The final-form rulemaking provides operators of affected cold cleaning machines the option of using low volatility solvent, or increasing the freeboard ratio for the machine to 0.75 or greater. In addition, affected facilities have the option of demonstrating that an alternative program is as effective as the regulation under the equivalency provisions in § 129.51 (relating to general). Operators of cold cleaning machines subject to the Federal MACT are not affected by the requirements of § 129.63.

One commentator provided cost data related to development of alternative solvent programs for a number of the company's facilities. These facilities are involved in printing and surface coating operations. The company estimated total development costs of approximately \$500,000 with an estimated \$220,000 in annual operating costs if the company's facilities are affected by the requirements.

The Board has determined that several changes made in the final-form rulemaking will minimize the potential cost impact to the regulated community, including the operations at the commentator's facilities. The final-form rulemaking has been revised to apply only to the removal of oils, waxes, greases and soils from metal parts where VOCs are used. It does not apply to the removal of coatings and inks. In addition, the final-form rulemaking exempts operations that are subject to the Federal NESHAP for solvent cleaning. The provisions of § 129.51 allow an operator the option of developing an alternative compliance plan. The final-form rulemaking also provides exemptions based on safety considerations.

One commentator believed the requirements for recordkeeping regarding the volatility of cold cleaning solvents are redundant and should be eliminated.

The Board disagrees. The requirements for maintenance of the documentation regarding solvent volatility are retained in the final-form rulemaking. If the operator can retain the Material Safety Data Sheet on file for the solvent in use, that will be satisfactory for demonstration of compliance.

One commentator thought the Board should revise the definition of "remote reservoir cold cleaning machine" to include certain machines that drain solvent into a covered container.

The Board agrees. The definition of "remote reservoir cold cleaning machine" has been revised in the final-form rulemaking to include the phrase suggested by the commentator.

One commentator thinks the Board should consider changing the title of the requirements to more accurately describe the section of the regulations.

The Board disagrees. The title of the section has been retained in the final-form rulemaking because the provisions could potentially relate to both VOC and non-VOC materials, especially as they relate to HAPs.

One commentator felt the definition of "freeboard ratio" should be changed to be consistent with the definition in the MACT.

The Board agrees. The definition of "freeboard ratio" has been revised in the final-form rulemaking to be consistent with the MACT definition.

One commentator thought that the phrase "or that heats the solvent" in the definition of the term "vapor cleaning machine" is inconsistent with the Federal definition.

The Board agrees. The technical stakeholders who worked to formulate the rulemaking suggested the proposed definition. In the final-form rulemaking, the definition is revised to be consistent with the Federal MACT definition.

Another commentator indicated that the definitions of "dwell" and "dwell time" are inconsistent and should be clarified in the final-form rulemaking.

The Board agrees. These terms have been clarified in the final-form rulemaking.

G. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost benefit analysis of the final-form rulemaking.

Benefits

Overall, the citizens of this Commonwealth will benefit from the final-form rulemaking because it will result in improved air quality by reducing ozone precursor emissions, recognize and encourage pollution prevention practices and encourage new technologies and practices which reduce emissions. Moreover, it is estimated that the final-form rulemaking will save industry approximately \$7.3 million the first year and \$14.6 million annually thereafter Statewide.

Compliance Costs

The final-form rulemaking will slightly increase the operating costs of industry. However, the cost increase will be offset by the reduced evaporative loss of solvent which will result from the lower volatility, thereby reducing the need to purchase additional solvent.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with 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 final-form rulemaking will not increase the paperwork that is already generated during the normal course of business operations.

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 17, 1999, the Department submitted a copy of the notice of proposed rulemaking published at 29 Pa.B. 4661 to IRRC and to the Chairper-

sons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 8, 2001, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 15, 2001, and approved the final-form rulemaking.

J. Findings

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 29 Pa.B. 4661.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble and are reasonably necessary to achieve and maintain the NAAQS for ozone.

K. Order

The Board orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by amending §§ 121.1 and 129.63 to read as set forth in Annex A, with ellipses referring to the existing text of regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) These final-form regulations are effective upon publication in the *Pennsylvania Bulletin*.

DAVID E. HESS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 6587 (December 1, 2001).)

Fiscal Note: Fiscal Note 7-346 remains valid for the final adoption of the subject regulations.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Airless cleaning system—A solvent cleaning machine that is automatically operated and seals at a differential pressure of 0.50 pounds per square inch gauge (psig) or less, prior to the introduction of solvent or solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

* * * * *

Airtight cleaning system—A solvent cleaning machine that is automatically operated and seals at a differential pressure no greater than 0.50 psig, prior to the introduction of solvent or solvent vapor into the cleaning chamber and during all cleaning and drying cycles.

* * * * *

Batch vapor cleaning machine—

(i) A vapor cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the cleaning machine.

(ii) The term includes solvent cleaning machines, such as ferris wheel cleaners or cross rod machines, that clean multiple loads simultaneously and are manually loaded.

(iii) The term does not include machines which do not have a solvent/air interface, such as airless and airtight cleaning systems.

* * * * *

Carbon adsorber—A bed of activated carbon into which an air/solvent gas-vapor stream is routed and which absorbs the solvent on the carbon.

* * * * *

Cold cleaning machine—

(i) A device or piece of equipment, containing or using nonboiling liquid which contains greater than 5% VOC or hazardous air pollutant (HAP) by weight, into which parts are placed to remove dirt, grease or oil from the surfaces of the parts or to dry the parts.

(ii) The term does not include machines which do not have a solvent/air interface, such as airless and airtight cleaning systems.

* * * * *

Dwell—The holding of metal parts within the freeboard area of a solvent cleaning machine above the solvent vapor zone to allow solvent to drain from the parts or parts baskets back into the solvent cleaning machine.

Dwell time—The period of time between when a parts basket is placed in the solvent vapor zone of a batch vapor or in-line vapor cleaning machine and when solvent dripping ceases.

* * * * *

Extreme cleaning service—The use of a cold cleaning machine to clean parts used in the manufacture of the following gases or to clean parts exposed to these gases in manufacturing, production, research and development, analytical work, or other similar operations:

- (i) Oxygen in concentrations greater than 23%.
- (ii) Ozone
- (iii) Nitrous oxide.
- (iv) Fluorine.
- (v) Chlorine.
- (vi) Bromine.
- (vii) Halogenated compounds.

* * * * *

Freeboard ratio—

(i) For a cold cleaning machine or batch vapor cleaning machine, the distance from the liquid solvent in the idling mode to the top edge of the cleaning machine divided by the smaller dimension of the cleaning machine.

(ii) For an operating in-line vapor cleaning machine, the distance from the solvent/air interface to the bottom of the entrance or exit opening, whichever is lower, as measured during the idling mode.

Freeboard refrigeration device—A set of secondary coils mounted in the freeboard area of a solvent cleaning machine that carries a refrigerant or other chilled substance to provide a chilled air blanket above the solvent vapor. A solvent cleaning machine primary condenser which is capable of maintaining a temperature in the center of the chilled air blanket at not more than 30% of the solvent boiling point is both a primary condenser and a freeboard refrigeration device.

* * * * *

Idling mode—The time period when a solvent cleaning machine is not actively cleaning metal parts and the sump heating coils, if present, are turned off.

Immersion cold cleaning machine—An open top cold cleaning machine in which the parts are immersed in the solvent when being cleaned.

* * * * *

In-line vapor cleaning machine—A vapor cleaning machine that uses an automated parts handling system, typically a conveyor, to automatically provide a supply of parts to be cleaned. In-line vapor cleaning machines are fully enclosed except for the conveyor inlet and exit portals.

* * * * *

Reduced room draft—Decreasing the flow or movement of air across the top of the freeboard area of a solvent cleaning machine to less than 50 feet per second (15.2 meters per second) by methods including:

- (i) Redirecting fans or air vents, or both.
- (ii) Moving a machine to a corner where there is less room draft.
- (iii) Constructing a partial or complete enclosure.

* * * * *

Remote reservoir cold cleaning machine—A machine in which liquid solvent is pumped to a sink-like work area that immediately drains solvent back into an enclosed container or beneath a solvent cover while parts are being cleaned, allowing no solvent to pool in the work area.

* * * * *

Solvent/air interface—For a vapor cleaning machine, the location of contact between the concentrated solvent layer and the air. This location of contact is the midline height of the primary condenser coils. For a cold cleaning machine, the location of contact between the liquid solvent and the air.

Solvent cleaning machine—

(i) A device or piece of equipment that uses solvent liquid or vapor to remove contaminants, such as dirt, grease and oil from the surfaces of materials.

(ii) Types of solvent cleaning machines include:

- (A) Batch vapor cleaning machines.
- (B) In-line vapor cleaning machines.
- (C) Immersion cold cleaning machines.
- (D) Remote reservoir cold cleaning machines.
- (E) Airless cleaning systems.
- (F) Air-tight cleaning systems.

Solvent cleaning machine automated parts handling system—A mechanical device that carries all parts and parts baskets at a controlled speed from the initial loading of soiled or wet parts through the removal of the cleaned or dried parts.

Solvent cleaning machine down time—The period when a solvent cleaning machine is not cleaning parts and the sump heating coils, if present, are turned off.

Solvent vapor zone—For a vapor cleaning machine, the area that extends from the liquid solvent surface to the level that solvent vapor is condensed. This level is defined as the midline height of the primary condenser coils.

* * * * *

Superheated vapor system—A system that heats the solvent vapor to a temperature 10° F above the solvent's boiling point. Parts are held in the superheated vapor before exiting the machine to evaporate the liquid solvent on the parts.

* * * * *

Vapor cleaning machine—

(i) A solvent cleaning machine that boils liquid solvent, generating a vapor that is used as part of the cleaning or drying cycle.

(ii) The term does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Vapor cleaning machine primary condenser—A series of circumferential cooling coils on a vapor cleaning machine through which a chilled substance is circulated or recirculated to provide continuous condensation of rising solvent vapors, thereby creating a concentrated vapor zone.

* * * * *

Vapor pressure—The pressure exerted by a vapor in equilibrium with its solid or liquid phase.

* * * * *

Vapor up control switch—A thermostatically controlled switch which shuts off or prevents condensate from being sprayed when there is no vapor. On in-line vapor cleaning machines, the switch also prevents the conveyor from operating when there is no vapor.

* * * * *

Working mode cover—A cover or solvent cleaning machine design that allows the cover to shield the cleaning machine openings from outside air disturbances while parts are being cleaned in the cleaning machine. A cover that is used during the working mode is opened only during parts entry and removal.

* * * * *

CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.63. VOC cleaning operations.

(a) *Cold cleaning machines.* Except for those subject to the Federal National emissions standards for hazardous air pollutants (NESHAP) for halogenated solvent cleaners under 40 CFR Part 63 (relating to National emission standards for hazardous air pollutants for source categories), this subsection applies to cold cleaning machines that use 2 gallons or more of solvents containing greater than 5% VOC content by weight for the cleaning of metal parts.

(1) Immersion cold cleaning machines shall have a freeboard ratio of 0.50 or greater.

(2) Immersion cold cleaning machines and remote reservoir cold cleaning machines shall:

(i) Have a permanent, conspicuous label summarizing the operating requirements in paragraph (3). In addition, the label shall include the following discretionary good operating practices:

(A) Cleaned parts should be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts should be positioned so that solvent drains directly back to the cold cleaning machine.

(B) When a pump-agitated solvent bath is used, the agitator should be operated to produce a rolling motion of the solvent with no observable splashing of the solvent against the tank walls or the parts being cleaned.

(C) Work area fans should be located and positioned so that they do not blow across the opening of the degreaser unit.

(ii) Be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent. For remote reservoir cold cleaning machines which drain directly into the solvent storage reservoir, a perforated drain with a diameter of not more than 6 inches shall constitute an acceptable cover.

(3) Cold cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Flushing of parts using a flexible hose or other flushing device shall be performed only within the cold cleaning machine. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(iii) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the cold cleaning machine.

(iv) Air agitated solvent baths may not be used.

(v) Spills during solvent transfer and use of the cold cleaning machine shall be cleaned up immediately.

(4) After December 22, 2002, a person may not use, sell or offer for sale for use in a cold cleaning machine any solvent with a vapor pressure of 1.0 millimeter of mercury (mm Hg) or greater and containing greater than 5% VOC by weight, measured at 20°C (68°F) containing VOCs.

(5) On and after December 22, 2002, a person who sells or offers for sale any solvent containing VOCs for use in a cold cleaning machine shall provide, to the purchaser, the following written information:

(i) The name and address of the solvent supplier.

(ii) The type of solvent including the product or vendor identification number.

(iii) The vapor pressure of the solvent measured in mm hg at 20°C (68°F).

(6) A person who operates a cold cleaning machine shall maintain for at least 2 years and shall provide to the Department, on request, the information specified in paragraph (5). An invoice, bill of sale, certificate that corresponds to a number of sales, Material Safety Data Sheet (MSDS), or other appropriate documentation acceptable to the Department may be used to comply with this section.

(7) Paragraph (4) does not apply:

(i) To cold cleaning machines used in extreme cleaning service.

(ii) If the owner or operator of the cold cleaning machine demonstrates, and the Department approves in writing, that compliance with paragraph (4) will result in unsafe operating conditions.

(iii) To immersion cold cleaning machines with a freeboard ratio equal to or greater than 0.75.

(b) *Batch vapor cleaning machines.* Except for those subject to the Federal NESHAP for halogenated solvent cleaners under 40 CFR Part 63, this subsection applies to batch vapor cleaning machines that use solvent containing greater than 5% VOC by weight for the cleaning of metal parts.

(1) Batch vapor cleaning machines shall be equipped with:

(i) Either a fully enclosed design or a working and downtime mode cover that completely covers the cleaning machine openings when in place, is free of cracks, holes and other defects, and can be readily opened or closed without disturbing the vapor zone. If the solvent cleaning machine opening is greater than 10 square feet, the cover shall be powered. If a lip exhaust is used, the closed cover shall be below the level of the lip exhaust.

(ii) Sides which result in a freeboard ratio greater than or equal to 0.75.

(iii) A safety switch (thermostat and condenser flow switch) which shuts off the sump heat if the coolant is not circulating.

(iv) A vapor up control switch which shuts off the spray pump if vapor is not present. A vapor up control switch is not required if the vapor cleaning machine is not equipped with a spray pump.

(v) An automated parts handling system which moves the parts or parts baskets at a speed of 11 feet (3.4 meters) per minute or less when the parts or parts are entering or exiting the vapor zone. If the parts basket being cleaned occupy more than 50% of the solvent/air interface area, the speed of the parts or parts basket may not exceed 3 feet per minute.

(vi) A device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils.

(vii) A vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser.

(viii) A permanent, conspicuous label summarizing the operating requirements in paragraph (4).

(2) In addition to the requirements of paragraph (1), the operator of a batch vapor cleaning machine with a solvent/air interface area of 13 square feet or less shall implement one of the following options:

(i) A working mode cover, freeboard ratio of 1.0, and superheated vapor.

(ii) A freeboard refrigeration device and superheated vapor.

(iii) A working mode cover and a freeboard refrigeration device.

(iv) Reduced room draft, freeboard ratio of 1.0 and superheated vapor.

(v) A freeboard refrigeration device and reduced room draft.

(vi) A freeboard refrigeration device and a freeboard ratio of 1.0.

(vii) A freeboard refrigeration device and dwell.

(viii) Reduced room draft, dwell and a freeboard ratio of 1.0.

(ix) A freeboard refrigeration device and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed 100 ppm at any time.

(x) A freeboard ratio of 1.0, superheated vapor and a carbon adsorber.

(3) In addition to the requirements of paragraph (1), the operator of a batch vapor cleaning machine with a solvent/air interface area of greater than 13 square feet shall use one of the following devices or strategies:

(i) A freeboard refrigeration device, a freeboard ratio of 1.0 and superheated vapor.

(ii) Dwell, a freeboard refrigeration device and reduced room draft.

(iii) A working mode cover, a freeboard refrigeration device and superheated vapor.

(iv) Reduced room draft, freeboard ratio of 1.0 and superheated vapor.

(v) A freeboard refrigeration device, reduced room draft and superheated vapor.

(vi) A freeboard refrigeration device, reduced room draft and a freeboard ratio of 1.0.

(vii) A freeboard refrigeration device, superheated vapor and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed 100 ppm at any time.

(4) Batch vapor cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent, still bottoms and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Cleaned parts shall be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. A superheated vapor system shall be an acceptable alternate technology.

(iii) Parts or parts baskets may not be removed from the batch vapor cleaning machine until dripping has ceased.

(iv) Flushing or spraying of parts using a flexible hose or other flushing device shall be performed within the vapor zone of the batch vapor cleaning machine or within a section of the machine that is not exposed to the ambient air. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(v) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the batch vapor cleaning machine.

(vi) Spills during solvent transfer and use of the batch vapor cleaning machine shall be cleaned up immediately.

(vii) Work area fans shall be located and positioned so that they do not blow across the opening of the batch vapor cleaning machine.

(viii) During startup of the batch vapor cleaning machine, the primary condenser shall be turned on before the sump heater.

(ix) During shutdown of the batch vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off.

(x) When solvent is added to or drained from the batch vapor cleaning machine, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

(xi) The working and downtime covers shall be closed at all times except during parts entry and exit from the machine, during maintenance of the machine when the solvent has been removed and during addition of solvent to the machine.

(c) *In-line vapor cleaning machines.* Except for those subject to the Federal NESHAP for halogenated solvent cleaners under 40 CFR Part 63, this section applies to in-line vapor cleaning machines that use solvent containing greater than 5% VOC by weight for the cleaning of metal parts.

(1) In-line vapor cleaning machines shall be equipped with:

(i) Either a fully enclosed design or a working and downtime mode cover that completely covers the cleaning machine openings when in place, is free of cracks, holes

and other defects, and can be readily opened or closed without disturbing the vapor zone.

(ii) A switch (thermostat and condenser flow switch) which shuts off the sump heat if the coolant is not circulating.

(iii) Sides which result in a freeboard ratio greater than or equal to 0.75.

(iv) A vapor up control switch.

(v) An automated parts handling system which moves the parts or parts baskets at a speed of 11 feet (3.4 meters) per minute or less when the parts are entering or exiting the vapor zone. If the parts or parts basket being cleaned occupy more than 50% of the solvent/air interface area, the speed of the parts or parts basket may not exceed 3 feet per minute.

(vi) A device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils.

(vii) A vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser.

(viii) A permanent, conspicuous label summarizing the operating requirements in paragraph (3).

(2) In addition to the requirements of paragraph (1), the operator of an in-line vapor cleaning machine shall use one of the following devices or strategies:

(i) A freeboard ratio of 1.0 and superheated vapor.

(ii) A freeboard refrigeration device and a freeboard ratio of 1.0.

(iii) Dwell and a freeboard refrigeration device.

(iv) Dwell and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed 100 ppm at any time.

(3) In-line vapor cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent, still bottoms and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Parts shall be oriented so that the solvent drains freely from the parts. Cleaned parts shall be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining.

(iii) Parts or parts baskets may not be removed from the in-line vapor cleaning machine until dripping has ceased.

(iv) Flushing or spraying of parts using a flexible hose or other flushing device shall be performed within the vapor zone of the in-line vapor cleaning machine or within a section of the machine that is not exposed to the ambient air. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(v) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the in-line vapor cleaning machine.

(vi) Spills during solvent transfer and use of the in-line vapor cleaning machine shall be cleaned up immediately.

(vii) Work area fans shall be located and positioned so that they do not blow across the in-line vapor cleaning machine.

(viii) During startup of the in-line vapor cleaning machine, the primary condenser shall be turned on before the sump heater.

(ix) During shutdown of the in-line vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off.

(x) Spraying operations shall be done in the vapor zone or within a section of the machine that is not exposed to the ambient air.

(xi) When solvent is added to or drained from the in-line vapor cleaning machine, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

(d) *Airless cleaning machines and airtight cleaning machines.* Except for those subject to the Federal NESHAP for halogenated solvent cleaners under 40 CFR Part 63, this section applies to airless cleaning machines and airtight cleaning machines that use solvent containing greater than 5% VOC by weight for the cleaning of metal parts.

(1) The operator of each machine shall maintain a log of solvent additions and deletions for each machine including the weight of solvent contained in activated carbon or other sorbent material used to control emissions from the cleaning machine.

(2) The operator of each machine shall demonstrate that the emissions from each machine, on a 3-month rolling average, are equal to or less than the allowable limit determined by the use of the following equation:

$$EL = 330 (\text{vol})^{0.6}$$

where:

EL = the 3-month rolling average monthly emission limit (kilograms/month).

vol = the cleaning capacity of machine (cubic meters)

(3) The operator of each machine equipped with a solvent adsorber shall measure and record the concentration of solvent in the exhaust of the carbon adsorber weekly with a colorimetric detector tube designed to measure a concentration of 100 ppm by volume of solvent to air at an accuracy of ± 25 ppm by volume. This test shall be conducted while the solvent cleaning machine is in the working mode and is venting to the adsorber.

(4) The operator of each machine equipped with a solvent adsorber shall maintain and operate the machine and adsorber system so that emissions from the adsorber exhaust do not exceed 100 ppm by volume measured while the solvent cleaning machine is in the working mode and is venting to the adsorber.

(5) The machine shall be equipped with a permanent, conspicuous label summarizing the operating requirements in paragraph (6).

(6) Airless cleaning machines and airtight cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent, still bottoms and sump bottoms shall be collected and stored in closed containers. The closed

containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Parts shall be oriented so that the solvent drains freely from the parts. Cleaned parts shall be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining.

(iii) Parts or parts baskets may not be removed from the in-line vapor cleaning machine until dripping has ceased.

(iv) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the airless cleaning machines and airtight cleaning machines.

(v) Spills during solvent transfer and use of the airless cleaning machines and airtight cleaning machines shall be cleaned up immediately.

(vi) Work area fans shall be located and positioned so that they do not blow across the airless cleaning machine and airtight cleaning machine.

(vii) Spraying operations shall be done in the vapor zone or within a section of the machine that is not exposed to the ambient air.

(viii) When solvent is added to or drained from the airless cleaning machine and airtight cleaning machine, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

(e) *Alternative provisions for solvent cleaning machines.* This section applies to all solvent cleaning machines used to process metal parts that use solvents containing greater than 5% VOC by weight. As an alternative to complying with subsections (b)—(d), the operator of a solvent cleaning machine may demonstrate compliance with paragraph (1) or (2). The operator shall maintain records sufficient to demonstrate compliance. The records shall include, at a minimum, the quantity of solvent added to and removed from the solvent cleaning machine, the dates of the addition and removal and shall be maintained for at least 2 years.

(1) If the solvent cleaning machine has a solvent/air interface, the owner or operator shall:

(i) Maintain a log of solvent additions and deletions for each solvent cleaning machine.

(ii) Ensure that the emissions from each solvent cleaning machine are equal to or less than the applicable emission limit presented in Table 1:

Table 1

Emission Limits for Solvent Cleaning Machines with a Solvent/Air Interface

<i>Solvent cleaning machine</i>	<i>3-month rolling average monthly emission limit (kg/m²/month) lb/ft²/month</i>	
Batch vapor solvent cleaning machines	150	30.7
Existing in-line solvent cleaning machines	153	31.3
In-line solvent cleaning machines installed after the effective date of the regulation	99	20.2

(2) If the solvent cleaning machine is a batch vapor cleaning machine and does not have a solvent/air interface, the owner or operator shall:

(i) Maintain a log of solvent additions and deletions for each solvent cleaning machine.

(ii) Ensure that the emissions from each solvent cleaning machine are equal to or less than the appropriate limits as described in paragraphs (3) and (4).

(3) For solvent cleaning machines without a solvent/air interface with a cleaning capacity that is less than or equal to 2.95 cubic meters, the emission limit shall be determined using Table 2 or the equation in paragraph (4). If the table is used, and the cleaning capacity of the cleaning machine falls between two cleaning capacity sizes, the lower of the two emission limits applies.

(4) For cleaning machines without a solvent/air interface with a cleaning capacity that is greater than 2.95 cubic meters, the emission limit shall be determined using the following equation.

$$EL = 330 (\text{vol})^{0.6}$$

where:

EL = the 3-month rolling average monthly emission limit (kilograms/month)

vol = the cleaning capacity of machine (cubic meters)

(5) Each owner or operator of a batch vapor or in-line solvent cleaning machine complying with this subsection shall demonstrate compliance with the applicable 3-month rolling average monthly emission limit on a monthly basis. If the applicable 3-month rolling average emission limit is not met, an exceedance has occurred. Exceedances shall be reported to the Department within 30 days of the determination of the exceedance.

Table 2. Emission Limits for Solvent Cleaning Machines Without a Solvent/Air Interface

<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>	<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>	<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>
0.00	0	1.00	330	2.00	500
0.05	55	1.05	340	2.05	508
0.10	83	1.10	349	2.10	515
0.15	106	1.15	359	2.15	522
0.20	126	1.20	368	2.20	530
0.25	144	1.25	377	2.25	537
0.30	160	1.30	386	2.30	544

<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>	<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>	<i>Cleaning capacity (cubic meters)</i>	<i>3-month rolling average monthly emission limit (kilograms/month)</i>
0.35	176	1.35	395	2.35	551
0.40	190	1.40	404	2.40	558
0.45	204	1.45	412	2.45	565
0.50	218	1.50	421	2.50	572
0.55	231	1.55	429	2.55	579
0.60	243	1.60	438	2.60	585
0.65	255	1.65	446	2.65	592
0.70	266	1.70	454	2.70	599
0.75	278	1.75	462	2.75	605
0.80	289	1.80	470	2.80	612
0.85	299	1.85	477	2.85	619
0.90	310	1.90	485	2.90	625
0.95	320	1.95	493	2.95	632

[Pa.B. Doc. No. 01-2271. Filed for public inspection December 21, 2001, 9:00 a.m.]

Title 37—LAW

DEPARTMENT OF CORRECTIONS

[37 PA. CODE CHS. 91, 93 AND 94]

Administration, State Correctional Institutions and Facilities, and Release and Prerelease Programs

The Department of Corrections (Department) hereby amends Chapters 91, 93 and 94 (relating to administration; State correctional institutions and facilities; and release and prerelease programs) to read as set forth in Annex A. The Department is acting under the authority of section 506 of The Administrative Code of 1929 (71 P. S. § 186). The final-form amendments revise outdated material and delete regulations that do not affect the public.

Purpose

Chapter 91 is amended to update the sections on definitions, reception of inmates and catchment areas.

Chapter 93 is amended to revise the section on inmate correspondence to provide for additional security. The section on inmate visiting privileges is amended to delete and replace terms that are technically inconsistent with newly defined terms. The section on purchases for inmates by family and friends is updated. The section on incoming publications is merged into the section on inmate correspondence. The section on religious activities is updated. The section on telephone calls is updated to refer to the monitoring of calls. The sections on inmate complaints and inmate discipline are amended to consistently refer to the Department. The section on housing is updated. The section on the boot camp is amended to delete and replace terms that are technically inconsistent with newly defined terms.

Chapter 94 is amended to delete and replace terms that are technically inconsistent with newly defined terms.

Explanation of Regulatory Requirements

The final-form regulations substantially mirror existing Department practices with the exception of the increased

security requirements for incoming mail. The new section requires mail from an attorney to be sealed in the presence of the attorney or their staff and delivered to an inmate in the sealed envelope.

Comment and Response Summary

The following responses are made to the comments of the Independent Regulatory Review Commission (IRRC). Only one public comment was received. That comment, from the Pennsylvania Prison Wardens Association, is addressed in the response to comment in section 5.

1. *Comment:* The term "Department" is not used consistently in Chapter 93. For example, § 93.6(a) (relating to religious activities) contains three references and § 93.9(a) (relating inmate complaints) contains two references to the "Department of Corrections." Sections 93.10(a) and 93.11(b) (relating to inmate discipline; and housing) refer to the "Department of Corrections." These references should be replaced with the defined term "Department."

Response: References to "Department of Corrections" have been changed to "Department." Response to this comment has required changes to sections that were not previously being amended by the Department in the proposed rulemaking published at 31 Pa.B. 2476 (May 12, 2001).

2. *Comment:* The distinction between "facility" and "institution" was not clear from the definitions. The Department should determine which term will be retained and delete the other term from § 91.1 (relating to definitions).

Further, the retained term should be used consistently throughout Chapters 91 and 93. For example, in the proposed rulemaking, § 93.2(c)(1)(i)(B) (relating to inmate correspondence) refers to "State correctional institution." This reference should be changed to the defined term of "institution" or "facility." Also, § 93.2(c)(1)(i)(D) and (ii) should refer to "facility" (the defined term) rather than "State correctional facility."

Response: The broader term "facility" will be used. The definition of "institution" is deleted. The definitions of "facility" and "facility manager" are revised. Response to

this comment has required changes to sections that were not previously being amended by the Department in the proposed rulemaking.

3. *Comment:* “Facility manager” was also not used consistently in Chapter 93. For example, § 93.3(a), (d) and (h)(7) (relating to inmate visiting privileges) and § 93.6(b)(1) all refer to “superintendent” instead of the defined term “facility manager.” This should be corrected in the final-form rulemaking.

Response: References to “superintendent” have been changed to “facility manager.” Response to this comment has required changes to sections that were not previously being amended by the Department in the proposed rulemaking.

4. *Comment:* The definition of “regional director” used the term “corrections centers” rather than the defined term “community corrections centers.” This should be corrected in the final-form rulemaking.

Response: The *Pennsylvania Bulletin* staff made this change. The final-form regulation will correct this.

5. *Comment:* The last sentence of § 91.3 (relating to reception and discharge of inmates) stated, “To ensure compliance with State and Federal laws, it is expected that the discharge process can be completed within 2 business days.” The Pennsylvania Prison Wardens had two concerns.

First, it was unclear which State and Federal laws must be complied with. Specific citations should be added.

Second, is compliance with these laws required, rather than expected? If compliance was required, then it would be appropriate to state “. . . the discharge process shall be completed within 2 business days.”

Response: There was no law that requires the discharge process to be completed in 2 days. The reference here was to various legal issues that can arise prior to a release such as DNA collection or detainers from other states. This language has been deleted, as those laws do not need to be referenced in the Department’s regulations. A comment was also received from Vincent A. Guarini, Chairperson of the Legislative Committee of the Pennsylvania Prison Wardens Association. He suggested the term “sufficient” be deleted and replaced with a reference to Act 84 of 1998, which sets forth what specific information shall be provided. This change has been made.

6. *Comment:* In § 91.4(a) and (b) (relating to catchment areas), how will a person know what facilities are specifically designated? Does the Department publish a list?

In § 91.4(c), the words “of the Department” should be deleted since the defined term is “Secretary.”

Response: The Department will notify counties of any change in its current practice. The Department has a Deputy Secretary for Intergovernmental Relations who will coordinate any changes with the counties. The words “of the Department” have been deleted from § 91.4(c).

7. *Comment:* Section 93.2(c) was unclear. IRRC had four concerns.

First, the opening paragraph discusses a both “all incoming mail” and “sealed documents.” Since the standards for opening these documents differ, their respective requirements should be placed in separate subsections or paragraphs.

Second, the order of the sentences was confusing. A sentence in the middle of the subsection referenced the

requirements listed in § 93.2(c)(1)—(3). Whereas, the concluding sentence refers to § 93.2(e) relating to “scrutiny of correspondence.”

Third, the last sentence stated “They may be read only as set forth in subsection (e).” Does “they” refer to “sealed” or “retained” documents?

Fourth, the last sentence did not specify who is reading the documents. This could be interpreted to also require the inmate readers of documents to comply with § 93.2(e) rather than just the institution as specified in § 93.2(e). Also, who in the institution is authorized to read the inmates’ mail? This should be clarified in the regulation.

Response: Section 93.2(c) has been rewritten to clarify that there is a distinction between mail sent to a facility and mail sealed under the requirements of this section. The cross-reference to § 93.2(e) has been deleted as it relates to reading rather than opening of mail.

8. *Comment:* Section 93.2(c)(2) defined “contraband” by stating “Coins, currency or other negotiable instruments concealed in correspondence are contraband. . . .” This language should be removed from this section and the term “contraband” should be defined in § 91.1.

Response: The term contraband has been defined in § 91.1.

9. *Comment:* Section 93.2(c)(3) stated “Other contraband will be returned to the sender, destroyed or transferred. . . .” What qualifies as “other contraband”? Further, it was not clear under what circumstances the contraband will be returned, destroyed or transferred.

Response: Section 93.2(c)(2) has been revised to clarify what will be done with contraband. It is not possible to further clarify under what circumstances contraband will be returned, destroyed or transferred because of the multitude of types of contraband that are received. The Department believes that the regulation provides the public adequate notice of what items constitute contraband and that it is possible that any contraband that they send to a facility may be destroyed or transferred to a criminal justice agency.

10. *Comment:* Section 93.2(e)(1) and (2) was vague. IRRC had three questions.

First, under what circumstances “may” the institution read the mail in § 93.2(e)(1)?

Second, and similar to the comment on § 93.2(c), who in the institution does the Department permit to read the inmates’ mail?

Third, do these subsections refer to outgoing or incoming correspondence or mail, or both?

Response: Section 93.2(e) has been revised to state who may read mail, to elaborate under what circumstances mail may be read and to clarify that this subsection applies to both incoming and outgoing mail.

11. *Comment:* Section 93.2(f)(1) defined “publications.” This term should be defined in § 91.1.

Section 93.2(f)(2) provided that “all publications must be received from the original source.” Since a magazine is included in the definition of “publications,” the sentence in § 93.2(f)(3) that stated that “magazines shall be mailed directly from the original source” is redundant and should be deleted.

Section 93.2(f)(5) stated publications “sent directly . . . will usually be deemed to have come from the original source.” IRRC had two questions. First, who is respon-

sible when this section states “will usually be deemed”? Deemed by whom? Second, under what circumstances would be publication not “be deemed” to be from the original source?

Section 93.2(f)(6) stated that newsletters “shall be delivered to the inmate even if mailed at less than [sic] first or second-class mail rates.” The phrase in § 93.2(f)(6) is redundant and should be deleted because § 93.2(f)(1) provides for newsletters “regardless of the postal rate. . . .”

IRRC had two questions relating to § 93.2(f)(7). First, the paragraph stated “publications containing potentially prohibited material or questionable content. . . .” The language in this sentence is vague as it is not clear what is meant by “potentially prohibited material” or “questionable content.” Second, § 93.2(f)(7) referred to an “incoming publication review committee (IPRC).” Who are the members of this committee and to whom does it report?

For clarity, § 93.2(f)(12) should be merged with § 93.2(f)(9).

Section 93.2(f)(13) allowed for appeal of an IPRC decision. It appeared the right to appeal applied to IPRC decisions regarding all inmate correspondence. Therefore, this provision should be a separate subsection and a specific reference to Department policy or regulations relating to grievances should be included.

Response: Section 93.2(f) has been rewritten for clarity. The definition of “publication” has been deleted. The reference to original source has been removed. The language regarding the postal rate has been deleted. The membership and authority of the IPRC has been clarified. The reference to an appeal in former § 93.2(f)(13) has been removed as it is redundant to § 93.9. It was also confusing because it does not apply to all complaints about inmate correspondence as suggested in the Commission’s comment.

12. *Comment:* IRRC had three concerns relating to § 93.2(g). First, as printed in the proposed rulemaking, § 93.2(g) did not have a heading.

Second, how did the Department determine that it is reasonable to retain a rejected letter for “at least 7 days” as opposed to 10 days or 30 days? Is it 7 business or calendar days?

Third, how soon must a protest be filed?

Response: This language has been moved to § 93.2(f) and a heading has been added. The operative language is in the current regulation and is not being changed.

13. *Comment:* Section 93.7 (relating to telephone calls) contained the phrase “in accordance with applicable law.” What is the applicable law? If there are none, this phrase should be deleted. Otherwise, to facilitate compliance and improve clarity, this phrase should be replaced with a specific reference to the applicable laws and regulations.

Response: A cite to the applicable statute has been added to § 93.7.

Cost and Paperwork Requirements

Since the Department currently operates the State prison system in accordance with the final-form amendments, it does not expect this final-form rulemaking to have a substantial fiscal impact on, or to create substantially new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

Effective Date

The final-form amendments shall be effective upon final-form publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person is John S. Shaffer, Ph.D., Deputy Secretary for Administration, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 1, 2001, the Department submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2476 to IRRC and to the Chairpersons of the House and Senate Judiciary Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 12, 2001, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 15, 2001, and approved the final-form rulemaking.

Findings

The Department finds that:

(1) Notice of proposed rulemaking was published at 31 Pa.B. 2476 as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the Department received only one public comment.

(3) The adoption of these amendments in the manner provided by this order is necessary and appropriate for the administration of the Department.

Order

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

(a) The regulations of the Department, 37 Pa. Code Chapters 91, 93 and 94, are amended by amending §§ 91.1—91.4, 93.1—93.4, 93.6, 93.7, 93.9—93.11, 93.301, 93.303, 93.304, 94.1—94.6 and by deleting § 93.5 to read as set forth in Annex A.

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

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

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

JEFFREY A. BEARD, Ph.D.,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6587 (December 1, 2001).)

Fiscal Note: Fiscal Note 19-5 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart B. DEPARTMENT OF CORRECTIONS

CHAPTER 91. ADMINISTRATION

§ 91.1. Definitions.

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

Board—Pennsylvania Board of Probation and Parole.

Community corrections center—A minimum security community-oriented facility operated by the Department for the purpose of facilitating special programs.

Contraband—Material listed as contraband in 18 Pa.C.S. §§ 5122 and 5123 (relating to weapons or implements for escape; and contraband), the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is disseminated to inmates, such as material that an inmate is prohibited from possessing or material that an inmate is permitted to possess that has been altered or is being used for something other than its intended purpose.

Department—The Department of Corrections.

Diagnostic and classification center—Facilities designated to receive and classify persons who have been committed to the custody of the Department.

Facility—An institution, motivational boot camp or community corrections center operated by the Department.

Facility manager—The chief administrator of a facility, that is, the superintendent of an institution, the commander of a motivational boot camp or the director of a community corrections center.

Inmate—A person committed to the custody of or confined by the Department.

Resident—An inmate assigned to a community corrections center.

Secretary—The Secretary of the Department.

§ 91.2. Agency purpose.

It is the goal of the Department to operate its institutions and programs to provide protection to the community, a safe and humane environment and opportunities for rehabilitation for the inmates.

§ 91.3. Reception and discharge of inmates.

The Department will accept and confine those persons committed to it under lawful court orders which conform to 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement) when information has been provided to the Department as required by 42 Pa.C.S. § 9764 (relating to information required upon commitment and subsequent disposition). The Department will also accept persons for whom transfer from other correctional facilities has been approved in advance by the Secretary or a designee, under section 1 of the act of July 11, 1923 (P. L. 1044, No. 425) (61 P. S. § 72). Commitments and transfers will be accepted only during the

facility's normal business hours, except upon prior approval of the facility manager or a designee.

§ 91.4. Catchment areas.

Male inmates committed to the custody of the Department will be received at male diagnostic and classification centers and female inmates will be received at female diagnostic and classification centers unless granted other permission in advance by the Secretary or a designee.

CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES

Subchapter A. RIGHTS AND PRIVILEGES

§ 93.1. General.

Those portions of some Department directives and policy statements which concern the interaction of Department inmates and employees with the community at large are published. The full text of the directives and other policy statements are maintained in all Department facilities.

§ 93.2. Inmate correspondence.

(a) *Permitted correspondence.* Inmates are permitted to correspond with friends, family members, attorneys, news media, legitimate business contacts and public officials. There may be no limit to the number of correspondents.

(b) *Restrictions.* The following restrictions apply:

(1) Correspondence with inmates of other facilities, former inmates, probationers or victims of the criminal acts of the inmate will not be permitted except upon special approval of the facility manager.

(2) Correspondence containing threatening or obscene material, as well as correspondence containing criminal solicitation or furthering a criminal plan or institution misconduct is prohibited.

(3) An inmate shall refrain from writing to persons who have stated in writing that they do not wish to receive mail from the inmate. This will not be interpreted to restrict the right of inmates to correspond with public officials with respect to the official duties of the latter.

(4) Correspondence with prohibited parties through a third party is also prohibited.

(5) Mail addressed to an inmate organization will not be accepted unless the facility manager has approved the organization and it is addressed to the staff coordinator of the organization.

(c) *Incoming mail.* All mail sent to a facility will be opened and examined for contraband in the facility's mailroom or designated area except when permitted under paragraph (1).

(1) The Department may permit sealed mail to be opened in the presence of an inmate under the following conditions:

(i) An attorney or authorized representative/designee may hand-deliver a sealed confidential client communication to an inmate if the attorney is unable to communicate through alternative means, if the following conditions are met:

(A) The person making the delivery does so during normal business hours unless granted permission in advance by the Secretary or a designee.

(B) The person making the delivery shall provide valid identification and information sufficient to verify that the person is the inmate's attorney or authorized representative of the attorney.

(C) The person making delivery shall present the documents for inspection for contraband, unsealed and unbound.

(D) Upon inspection, the documents will be sealed and delivered to the inmate where they will be unsealed and searched again for contraband.

(ii) A court may direct delivery of court documents sealed from public disclosure to an inmate by specific order. The court's representative shall deliver the sealed documents and the specific court order to the facility. Under no circumstances will documents filed in a court of public record be delivered sealed to an inmate.

(2) Contraband in the form of money orders, certified checks, cash or other negotiable instruments will be recorded indicating the nature of the receipt, the sender, the amount received and the date. Personal checks, unless certified, will be returned to the sender. The facility is not responsible for cash sent through the mails. Confiscated coins and currency will be deposited in the Inmate General Welfare Fund. Contraband not specifically addressed in this section will be returned to the sender or destroyed at the inmate's option unless it is transferred to appropriate criminal justice agencies at the discretion of the mailroom or security staff.

(d) *Outgoing mail.* Sealed outgoing mail from an inmate will not be examined except as set forth in subsection (e).

(e) *Scrutiny of correspondence.*

(1) The facility manager or a designee may read incoming or outgoing mail, except mail sealed in accordance with subsection (c)(1), when there is reason to believe that it may reveal or discuss illegal or unauthorized activity or for reasons set forth in any Department document that is disseminated to inmates.

(2) The facility manager or a designee may read mail sealed in accordance with subsection (c)(1), only upon the written order of the facility manager with the written approval of the Secretary when there is reason to believe that there is a threat to facility security or criminal activity.

(f) *Rejection of correspondence.* An item of correspondence which appears to violate subsection (b) may be rejected by facility mailroom staff. The inmate and the sender, in cases when the inmate is not the sender, will be notified when the letter is rejected. The letter may be held for at least 7 days after mailing of the notification to permit reasonable opportunity to protest the decision. If the letter is rejected, it will be returned to the sender.

(g) *Incoming publications.*

(1) An incoming publication review committee (IPRC) consisting of staff designated by and reporting to the facility manager or a designee shall determine whether an inmate may receive a publication.

(2) All publications shall be received directly from a publisher, bookstore, book club, distributor or department store. Newspapers shall be mailed directly from the publisher.

(3) Publications may not be received by an inmate if they:

(i) Contain information regarding the manufacture of explosives, incendiaries, weapons, escape devices, poisons, drugs or intoxicating beverages or other contraband.

(ii) Advocate, assist or are evidence of criminal activity, inmate misconduct, violence, insurrection or guerrilla warfare against the government.

(iii) Threaten the security of a facility.

(iv) Contain obscene material as defined in 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances).

(v) Constitute a bulk mailing specifically intended for the purpose of advertising or selling merchandise.

(4) An inmate under 18 years of age may not receive explicit sexual materials as defined in 18 Pa.C.S. § 5903.

(5) A publication will not be prohibited solely on the basis that the publication is critical of penal institutions in general, of a particular facility, staff member, or official of the Department, or of a correctional or penological practice in this or any other jurisdiction.

(6) An inmate may receive only one copy of any publication unless granted permission by the IPRC.

(7) Small letter sized pamphlets may be received in regular correspondence.

(8) Covers of hardbound publications may be damaged or removed during inspection in the discretion of mailroom staff.

§ 93.3. Inmate visiting privileges.

(a) *Approved list of visitors.* A list of approved visitors may contain up to 20 names. Inmates who can show that they have more than 20 regular visitors may be permitted to add additional names to their approved lists. Members of a family living at the same address may be counted as one name. Except for members of an inmate's immediate family, a minor's name may be placed on the approved list only with permission of the minor's parents or guardian. Children under 12 years of age may visit only when accompanied by an adult and need not be placed separately on the official list. A person may not be on more than one inmate's visiting list except in cases when the person is part of the immediate family of more than one inmate, unless special permission is granted by the facility manager. Changes or additions to the approved list may be made in accordance with established procedures. The name of a visitor may be removed for good cause upon authorization by the facility manager.

(b) *Religious advisor.* Designation by an inmate of a religious advisor as defined in § 93.6 (relating to religious activities) may be made at any time. The designation shall be in addition to the names on the approved list and will not be counted against the total of 20.

(c) *Attorneys.* An inmate may designate attorneys for whom the inmate desires visiting privileges at any time. The designation shall be in addition to the names on the approved list and will not be counted against the total of 20.

(1) The confidentiality of the attorney-client relationship will be honored. Personnel will not be stationed in a manner as to be able to overhear normal conversation.

(2) An attorney who has been designated by an inmate as the inmate's legal advisor may permit persons, such as law students or investigators to visit the inmate to act as the attorney's agents. Each person shall present to the facility at the time of the visit a written statement signed by the attorney on the letterhead of the firm of the attorney identifying each person as the attorney's agent and attesting that the visit is for the purpose of a legal consultation.

(3) Attorneys and their agents are subject to the same rules and regulations as other visitors.

(d) *Former inmates.* A former inmate may visit only with special permission of the facility manager.

(e) *Prerelease inmates.* Inmates in prerelease status may visit other inmates only with the approval of the Secretary or a designee. Application for permission to visit shall be made by both inmates through their respective facility managers.

(f) *Registering of visitors.* Visitors shall register in and out of the facility.

(g) *Initial visits.* The inmate's first visit after admission should be scheduled following the medical quarantine period and may be held in the presence of a staff caseworker.

(h) *Number, time and place of visits.* Inmates shall be permitted to have visits as often as the situation at the facility will allow.

(1) *Visiting days.* Visits may be permitted every day of the year.

(2) *Visiting hours.* Morning and afternoon visiting hours will be maintained. Evening visits may be maintained.

(3) *Length of visits.* Visits should be at least 1 hour in duration. The length of a visit depends on the inmate's program status and available space.

(4) *Frequency of visits.* One visit per inmate per week will be permitted. Additional visits may be permitted.

(5) *Number of visitors at one time.* The number of visitors an inmate may have at any one time may be limited depending upon the available space.

(6) *Place.* Inmates in the general population will be permitted contact visits in a relaxed setting, under official supervision.

(7) *Special visit.* Provisions will be made for the approval of a special visit by persons who may not be on the approved list who have come a substantial distance and of a family visit to a seriously ill or injured inmate. Special visits will be approved only by the facility manager or a designee. Absent this approval, only those persons on the approved visiting list may visit.

(i) *Restriction of visitation privileges.*

(1) If a visit is a threat to the security and order of the facility, the visit may be terminated or disallowed.

(2) Outside visitors are subject to search before and after visiting.

(3) A visitor who cannot produce identification or who falsifies identifying information will not be allowed in the facility.

(4) Visitation may be restricted or suspended or special security precautions imposed for violation of visiting rules or as warranted by the temperament of the inmate involved.

(5) Restriction of visiting privileges will not be used as a disciplinary measure for an unrelated facility rule infraction. However, visiting privileges may be restricted as a result of changes in housing or program status made as a result of unrelated infractions.

(6) Normal visitation will be suspended during a state of emergency.

(j) *Media representatives.* Media representatives will have the same visiting privileges as visitors on an inmate's approved list of visitors as described in Department policy concerning inmate visitation. A media representative will not be in addition to the names on the approved list and will be counted against the total of 20.

(1) Upon request, media representatives will be provided with a copy of the Department's policy regarding inmate visitation.

(2) Media representatives and inmates will abide by all applicable rules, regulations and policies of the Department while on facility property. Violations of any rules, regulations or policies of the Department may result in the visit being denied, termination of the visit, suspension of visiting privileges or revocation of visiting privileges.

(3) Visits with a media representative shall be subject to the frequency of visit limitations contained in subsection (h)(4).

(4) For inmates under a sentence of death and prior to the Governor's warrant being issued, media representatives will only be permitted to have noncontact visits with the inmate. After the Governor's warrant has been issued, noncontact visits will only be entertained if the media representative has obtained an order of court of competent jurisdiction granting the relief and has properly served the Department with the court documents seeking or requesting the relief prior to obtaining the order.

(5) Media representatives for the purpose of this section include: representatives of general circulation newspapers; magazines of general circulation sold through newsstands or mail subscriptions to the general public; and National/international news services or radio/television stations holding a Federal Communications Commission license.

§ 93.4. Purchase for inmates by family and friends.

(a) Family and friends, who are on the inmate's approved visiting list, may purchase approved items for inmates under this section. The facility may disapprove and decline to accept any purchase which does not meet this section.

(b) Only those items listed on the current Approved Master Commissary List may be purchased from approved vendors. Copies of the list are provided to the inmates. Publications may be purchased by means of this procedure, but shall be subject to § 93.2 (relating to inmate correspondence).

(c) Purchases shall be approved prior to the time the item is received by the facility.

(d) Only those items shipped directly from the vendor to the facility will be accepted.

(e) Unauthorized or disapproved items will be returned to the sender at the expense of the inmate.

§ 93.5. (Reserved).

§ 93.6. Religious activities.

(a) *Policy.* It is the policy of the Department to permit each inmate to satisfy the needs of his religious life,

consistent with the security needs and orderly administration of the facility. The Department will provide chapel facilities at each facility. The Department will also permit inmates to possess approved religious items and make reasonable accommodation for dietary restrictions.

(b) *Religious advisors.*

(1) If the facility contains a sufficient number of inmates of the same faith, a qualified representative of that faith from the outside community will be appointed or approved by the facility manager and will be permitted to hold regular services in the facility. Qualified representative means a person from the outside community who has received endorsement from his faith group authority.

(2) Each inmate will be permitted to select a religious advisor from the outside community who has received endorsement from the faith group authority. This person will be permitted to visit the inmate on an individual basis in accordance with general rules governing visitation.

(c) *Accommodation of faiths.* Requests for accommodation of faiths will be handled as follows:

(1) Facility officials will secure written information from the outside faith group authority, including publications which describe the goals, beliefs and practices of the group.

(2) Information material will be forwarded to the Director of Chaplaincy Services for the Department for evaluation.

§ 93.7. Telephone calls.

(a) Inmates may make phone calls in accordance with 66 Pa.C.S. § 2907 (relating to state correctional institutions). Phone calls, except confidential communications between attorneys and inmates, shall be subject to monitoring in accordance with 18 Pa.C.S. Chapter 57 (relating to wiretapping and electronic surveillance).

(b) Phone calls to inmates will be permitted only if approved in advance by the facility manager or a designee.

§ 93.9. Inmate complaints.

(a) The Department will maintain an inmate grievance system which will permit any inmate to seek review of problems which the inmate experiences during the course of confinement. The system will provide for review and resolution of inmate grievances at the most decentralized level possible. It will also provide for review of the initial decisionmaking and for possible appeal to the Central Office of the Department. An inmate will not be disciplined for the good faith use of the grievance systems. However, an inmate who submits a grievance for review which is false or malicious may be subject to appropriate disciplinary procedures. Copies of the directive governing grievance procedures will be made available to the inmates.

(b) Inmates may also pursue available remedies in State and Federal court.

§ 93.10. Inmate discipline.

(a) Rules which define expectations and prohibitions for inmate behavior will be established by the Department and distributed to the inmate population. There shall be two classes of misconduct charges, Class I and Class II.

(1) Inmates found guilty of Class I misconduct charges may be subjected to one or more of the following sanctions:

(i) Reduction of the classification of the misconduct to a Class II and any sanction permitted for Class II misconducts.

(ii) A sanction permitted for Class II misconducts, without change in class of misconduct.

(iii) Change of cell assignment, including placement in the restricted housing unit or restrictive confinement in a general population cell for a period not to exceed 6 months for any one misconduct charge.

(iv) Change of program level.

(2) Inmates found guilty of Class II misconducts may be subjected to one or more of the following sanctions:

(i) Reprimand.

(ii) Suspension of privileges for a specified period of time.

(iii) Payment of the fair value of property lost or destroyed or for expenses incurred as a result of the misconduct.

(iv) Change of cell assignment excluding placement in the restricted housing unit.

(v) Change, suspension or removal from job.

(b) Written procedures which conform to established principles of law for inmate discipline including the following will be maintained by the Department and distributed to the inmate population:

(1) Written notice of charges.

(2) Hearing before an impartial hearing body.

(3) Opportunity for the inmate to tell his story and to present relevant evidence.

(4) Assistance from an inmate or staff member at the hearing.

(5) Written statement of the decision and reasoning of the hearing body, based upon the preponderance of the evidence.

(6) Opportunities to appeal the decision of the hearing body.

§ 93.11. Housing.

(a) An inmate does not have a right to be housed in a particular facility or in a particular area within a facility.

(b) Confinement in a restricted housing unit (RHU), other than under procedures established for inmate discipline, will not be done for punitive purposes. The Department will maintain written procedures which describe the reasons for housing an inmate in the RHU and require due process in accordance and with established principles of law for an inmate who is housed in the RHU. Inmates confined in the RHU will be reviewed periodically by facility staff.

Subchapter C. MOTIVATIONAL BOOT CAMPS

§ 93.301. Definitions.

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

Act—The Motivational Boot Camp Act (61 P. S. §§ 1121—1129).

Secretary—The Secretary of the Department.

Three-tiered approach—A three-step disciplinary process in which an inmate first receives a demerit or demerits. Upon receiving ten or more demerits in a 7-day

period, the inmate shall appear before the deputy commander's review board and may receive restrictions or additional duties. The final step is the commander's committee at which point an inmate may be removed from the motivational boot camp.

Ventilation therapy—A group session led by a counselor during which inmates are encouraged to discuss problems, stressful matters or pressures they are currently experiencing. The objective of the discussion is to help inmates identify, explore and ultimately either resolve or better cope with the stressors.

§ 93.303. Selection committee.

(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department.

(b) Each selection committee shall be composed of the following individuals:

(1) The diagnostic center director or a corrections counselor supervisor, or both.

(2) A lieutenant or corrections counselor, or both.

(c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The facility manager of a diagnostic and classification center shall make the final decision as to inmate participation in a motivational boot camp.

§ 93.304. Administration.

(a) The Department will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of the Secretary or a designee.

CHAPTER 94. RELEASE AND PRERELEASE PROGRAMS

§ 94.1. Purpose.

It is the goal of the Department to administer its facilities and design programs to provide protection to society through the control and rehabilitation of offenders. In furtherance of that objective and the authority granted to the Department by the act of July 16, 1968 (P. L. 351, No. 173) (61 P. S. §§ 1051—1054), prerelease programs have been established. These programs are designed to provide opportunities for qualified inmates to have access to community resources, to demonstrate self-control and individual responsibility and to begin reintegration into the community. Criteria for participation in prerelease programs are designed to insure that the inmates who are selected to participate are those who will present the least risk to the community, and benefit most from the program, and to offer the opportunities to as many inmates as possible.

§ 94.2. Prerelease programs.

(a) *Work/educational/vocational training release.*

(1) *Work release.* This is a program which enables an inmate to leave the facility and work in the community. The inmate is required to return to the facility at a designated time after the work day.

(2) *Educational/vocational training release.* This is a program which enables an inmate to leave the facility and participate in educational or vocational-technical training. The inmate is required to return to the facility at a designated time after completion of training for the day.

(b) *Temporary home furlough.* This is the authorized leave for an inmate from a facility for a period not to exceed 7-consecutive days for the purpose of furthering an inmate's rehabilitative programs. The inmate is required to return to the facility at a designated time after the furlough.

(c) *Community corrections.*

(1) *Community corrections center residency.* This is a program operated as a continuum of the rehabilitative services provided in the facilities. Community corrections centers are residences in the community with custodial structure and strong emphasis on guidance and counseling. These centers serve those inmates who qualify and who should benefit from a gradual reintegration into society.

(2) *Group home residency.* This is a program which complements community corrections center residency and consists of publicly or privately owned agencies approved by the Department for use by its residents. These residences provide specialized residential treatment, for example, drug and alcohol treatment, and include 24-hour supervision, living quarters and special services for selected residents, and provisions for continued jurisdiction by community corrections. An exception to this paragraph shall have prior approval by the Director, Community Corrections Division and final approval by the Secretary or a designee.

(3) *Community corrections furlough program.* This is a program which complements community corrections center residency and is permitted with the approval of the community corrections center staff. It is the authorized leave of an inmate from a community corrections center or group home for a period not to exceed 7-consecutive days for the purpose of furthering the inmate's reintegration into the community. The inmate is required to return to the center or group home at a designated time.

§ 94.3. Procedures for participation in prerelease programs.

(a) The criteria for eligibility for prerelease programs are as follows:

(1) Inmates who have been sentenced to death or life imprisonment are not eligible.

(2) Time-served requirements are as follows:

(i) To be time-eligible for placement in a community corrections center or group home, the inmate shall have completed at least one-half of the inmate's minimum sentence, be within 1 year of completing his minimum sentence, have no outstanding detainers, and have served at least 9 months in a facility. Exceptions may be made with written approval of the Secretary or a designee, when early transfer is necessary to assist in the inmate's access to medical or mental health care or to provide longer period of participation for an inmate who has been confined for an unusually long period of time. A contact may not be made with the court until the approval is obtained.

(ii) For other prerelease programs, the inmate is time-eligible after the inmate has completed one-half of the inmate's minimum sentence or one-half of the period ending with anticipated release date of an indeterminate sentence and has served at least 9 months in a facility. The inmate may have no detainers lodged against him for an untried offense or for a sentence with a maximum term in excess of 2 years. Inmates who are otherwise time-eligible who have detainers lodged against them for less than 2 years can be time-eligible for a prerelease

program except community corrections center or group home upon written approval of the Secretary or a designee. No contact may be made with the court until the approval is obtained.

(3) The inmate shall have favorable recommendation of the correctional facility staff—for example, counselor, work supervisor, housing officer, education/vocational supervisor and deputy facility managers for treatment and operations.

(4) The inmate may have had no Class I misconduct and no more than one Class II misconduct during the 9 months prior to application, and have sustained no Class I misconducts and no more than one Class II misconduct from the time of application to the time of transfer.

(5) The inmate shall obtain a medical clearance by the facility medical officer.

(6) The inmate's application shall be approved by the facility manager.

(7) If the inmate has not completed his minimum sentence, the notice process in § 94.5 (relating to notification process) shall be followed.

(8) Applications for transfer to community corrections require evaluation and concurrence by the staff of the appropriate region of community corrections and approval by the Director of Community Corrections.

(9) The inmate shall execute a written agreement which requires him to abide by the rules and regulations of the prerelease program. In the case of community corrections placement, the written agreement shall be signed prior to transfer.

(10) After transfer into a prerelease program, the inmate may continue to participate in the program only while adequate resources are available to provide care, custody and control for the inmate within the program to which he has been admitted. The inmate's privilege to participate in prerelease programs may be suspended or revoked for administrative or disciplinary reasons. The Department will establish procedures to govern the revocation of prerelease privileges.

(b) The process of obtaining prerelease transfer is initiated when an inmate submits an application to his counselor for participation in work/educational/vocational release, or for a temporary home furlough or for transfer to a community corrections placement. An inmate will not be granted prerelease transfer for any purpose unless the inmate satisfies all of the criteria in this section. Satisfying the eligibility criteria for prerelease transfer does not mean the inmate will automatically be permitted to participate in prerelease programs. Other considerations such as the staff's evaluation of the inmate's progress, the relevancy of the particular prerelease program to the inmate's reintegration, the safety of the community and the victim of the inmate's crime and the availability of space will be taken into consideration. Approval for participation in one prerelease program does not imply clearance for, or preclude application for participation in any other program. The application shall specify a particular prerelease program.

(c) Special exception to subsection (a) or (b), other than subsection (a)(1), (2)(ii) and (6)—(9), may be recommended in writing by a facility manager to the Secretary or a designee.

(d) Inmates serving Federal sentences in facilities shall be eligible for prerelease transfer under rules and regulations established by the United States Department of

Justice, Federal Bureau of Prisons, and subject to subsections (a) and (b), and the subsequent approval of Federal and State authorities.

(e) Inmates serving sentences from other jurisdictions under the Interstate Corrections Compact (61 P. S. §§ 1061—1063) are eligible subject to subsections (a) and (b) and the sending state's written approval.

§ 94.4. Application process.

Application for prerelease programming shall be initiated by the inmate to his counselor, or if necessary, on the inmate's behalf by the counselor. Criteria in § 94.3(a)(1), (3)—(5), (8) and (9) (relating to the procedures for participation in prerelease programs) shall be met prior to submission to the facility manager for his approval. The process may begin a reasonable time prior to the time the inmate becomes time-eligible.

§ 94.5. Notification process.

(a) If the facility manager approves an inmate's application for prerelease transfer, the facility manager shall notify the sentencing judge or if he is unavailable, the sentencing court, and the prosecuting district attorney's office by certified mail, of the inmate's proposed prerelease program. Comments will be considered.

(b) If the inmate has not finished his minimum sentence and an objection is received from the judge or court, if the judge is unavailable, within 30 days of his receipt of the proposed prerelease plan, representatives of the Department will contact the judge or court and if necessary arrange for a meeting to attempt to resolve the disagreement. If, within 20 days of the Department's receipt of the objections, the judge or court does not withdraw the objection and the Department does not withdraw its proposal for transfer, or the judge and the Department do not agree on an alternate proposal for transfer, the Department will refer the matter to the Board for arbitration.

§ 94.6. Staff responsibilities.

(a) It is the primary responsibility of the inmate's counselor to process the inmate's application for participation in prerelease programs.

(1) The inmate's counselor is responsible for obtaining, integrating and coordinating the information necessary to determine the inmate's eligibility or noneligibility for participation in a prerelease program.

(2) The inmate's counselor will accept and review the inmate's application. If necessary, the counselor may help the inmate initiate this process. The inmate's counselor will also be responsible for having the housing officer, work supervisor and other appropriate staff complete relevant portions of the application and make recommendations concerning prerelease programming.

(3) The inmate's counselor shall verify, with the record officer, the necessary information with respect to the inmate's sentence and detainer status.

(4) The inmate's counselor will review and verify available information relevant to eligibility—for example, presentence investigation report, judge's sentencing notes, classification and reclassification summary records and cumulative adjustment record.

(5) The inmate's counselor will request proper psychological and psychiatric evaluations for those applicants who have a history of mental or emotional disorders, violent crimes or other situations when deemed advisable. The inmate's counselor may contact other persons and agencies to acquire additional information.

(6) When the necessary information has been obtained, the inmate's counselor will refer the application to his supervisors for review.

(b) It is the primary responsibility of the classification and treatment manager to coordinate the staff evaluation and recommendation process.

(1) The classification and treatment manager will chair a meeting of designated facility staff who shall make recommendations regarding prerelease programs. The inmate shall be present at this staff meeting for input.

(2) The staff's findings, recommendations and rationale shall be forwarded to the facility manager through both the Office of the Deputy Superintendent for Treatment and the Deputy Superintendent for Operations, with comments by both.

(c) It is the responsibility of the facility manager to give final approval or disapproval of recommendations regarding prerelease programs. The inmate will be advised by the classification and treatment manager, in the presence of the inmate's counselor, of the final decision and its rationale. The decision and rationale will be documented in the cumulative adjustment record.

(d) Letters to judges and district attorneys shall be signed by the facility manager.

(e) The inmate's counselor shall discuss with the inmate prior to the commencement of the program, the objectives, rules and regulations of the program and obtain written agreement as provided for in § 94.3(a)(9) (relating to procedures for participation in prerelease programs). The counselor shall review the program objectives on the inmate's cumulative adjustment record.

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through fees which are based on the cost of providing the service. The fee is charged to the person requesting the service.

A recent systems audit within the Bureau of Professional and Occupational Affairs determined that the application and service fees did not accurately reflect the actual cost of processing the applications and performing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 30 Pa.B. 2264 (May 6, 2000).

D. Comment and Regulatory Review of Proposed Rulemaking

Following publication of proposed rulemaking at 30 Pa.B. 2264, the Board did not receive comments from the general public. The House Professional Licensure Committee voted to take no action on the regulation until it was submitted in final-form. The Board received no comments from the Independent Regulatory Review Commission (IRRC) or the Senate Consumer Protection and Professional Licensure Committee.

E. Fiscal Impact and Paperwork Requirements

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a very modest fiscal impact on those members of the private sector who apply for services from the Board. The amendment will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 20, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 30 Pa.B. 2264 to IRRC and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 26, 2001, this final-form rulemaking was deemed approved by the House and Senate Committees. The final-form rulemaking was deemed approved by IRRC under section 5(g) of the Regulatory Review Act, effective October 26, 2001.

H. Contact Person

Further information may be obtained by contacting Michelle DeMerice, Administrative Assistant, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

I. Findings

The Board finds that:

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

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

**STATE BOARD OF AUCTIONEER EXAMINERS
[49 PA. CODE CH. 1]
Application Fees**

The State Board of Auctioneer Examiners (Board) amends § 1.41 (relating to schedule of fees) to read as set forth in Annex A.

A. Effective date.

The amendment will take effect when published as final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority.

Section 6(a) of the Auctioneer and Auction Licensing Act (63 P. S. § 734.6(a)) requires the Board to establish fees by regulation. The same provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2 year period.

C. Background and Purpose.

Expenses of the Board which are related to processing individual applications or providing certain services directly to individual licensees or applicants are funded

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

(3) The amendment does not enlarge the purpose of proposed rulemaking published at 30 Pa.B. 2264.

(4) The amendment is necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

J. Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by amending § 1.41 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

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

RALPH M. STEWART,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6358 (November 17, 2001).)

Fiscal Note: Fiscal Note 16A-644 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS

FEEES

§ 1.41. Schedule of fees.

Applicants shall pay the following fees:

Table with 2 columns: Fee description and Amount. Includes Examination fee for auctioneer license (\$87), Application fee for auctioneer license (\$50), Biennial renewal fee for auctioneer license (\$200), Application fee for apprentice auctioneer license (\$30), Biennial renewal fee for apprentice auctioneer (\$100), Application fee for auction house and auction company (\$200), Special license to conduct auction (\$200), Application fee to approve course (\$45), Application fee to change sponsor (\$15), Application fee to change auction house or auction company license (\$15), Nonresident exam eligibility review (\$25), Certification of scores, permit or registration (\$25), Verification of license, registration, permit or approval (\$15).

[Pa.B. Doc. No. 01-2273. Filed for public inspection December 21, 2001, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE
[49 PA. CODE CH. 31]
Continuing Education

The State Board of Veterinary Medicine (Board) adopts an amendment to § 31.15 (relating to continuing education) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 30 Pa.B. 5969 (November 18, 2000). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. The House Professional Licensure Committee (HPLC) submitted comments on February 2, 2001. The Senate Consumer Protection and Professional Licensure Committee made no comments. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on March 2, 2001.

Summary of Comments and Responses to Proposed Rulemaking

The HPLC and IRRC made three comments to the proposed rulemaking.

The first comment related to a discrepancy between information provided in the Regulatory Analysis Form (RAF) and the proposed rulemaking language. Although the RAF indicated that the Board had considered, but rejected, using the term "2 credits" rather than "25%" to indicate the number of credits that could be earned from independent study courses to meet the biennial continuing education requirement, the proposed rulemaking inadvertently used the term "2 credits." Because the Board intends that no more than 1/4 of the total credits required be obtained through independent study courses even if the number of total credits required should change, the Board determined that it would be appropriate to use the term "25%" rather than "2 credits." The final-form rulemaking has been corrected to use the term "25%."

The second comment questioned whether licensees would receive sufficient notice of the regulatory change to allow them to complete the continuing education requirement during the 2000-2002 biennial period. The Board has determined that the regulation will create no hardship to veterinarians. First, to May 28, 2001, the Board has not approved programs offering independent study continuing education credits for the current biennial period. Some independent study courses may be approved for credit during this biennial period. However, during the prior biennial renewal period (1998-2000), only seven credits from independent study courses were approved. It is, therefore, unlikely that implementing this new regulation for the 2000-2002 renewal period will have an immediate, significant impact on a large number of licensees. In addition, it is both convenient and inexpensive for veterinarians to obtain nonindependent study continuing education credits through the Pennsylvania Veterinary Medical Association or regional veterinary medical associations.

Finally, the HPLC and IRRC recommended that the regulatory language be amended so that veterinarians be required to "complete" 8 clock hours of continuing education biennially instead of the current requirement that veterinarians "attend" 8 clock hours of continuing education biennially. The Board agrees with this proposal and the change is reflected in this final-form rulemaking language.

In addition, IRRC commented that "the terms 'individual study or correspondence courses' are unclear."

Individual study courses are courses in which the licensee worked independently. Correspondence courses are courses when the licensee corresponds with the course provider rather than attending a lecture or wet lab. The Board finds that the terms are self-explanatory and do not need to be defined in the regulation.

IRRC also commented that the last sentence of § 31.15, which provides that independent study or correspondence courses must meet the requirements of § 31.16 (relating to continuing education provider approval), because § 31.16 immediately follows § 31.15 and because the first sentence of § 31.15 already requires that continuing education courses be approved by the Board. The Board believes that the sections should contain cross references, and declines to delete the last sentence of § 31.15.

Statutory Authority

The final-form regulation is authorized under section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18). Section 18 of the act requires the Board to set standards for continuing education programs and continuing education requirements for licensees to ensure that veterinarians maintain currency in their profession.

Fiscal Impact and Paperwork Requirements

The final-form regulation will have no fiscal impact on the Commonwealth or its political subdivisions. In addition, the final-form regulation will create no additional paperwork for the Board or the private sector.

Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the final-form regulation, the Board sent the text of the proposed rulemaking to interested parties, including State and regional veterinary medical associations, associations of animal health technicians and veterinary schools. In addition, the Board considered the final-form regulation as required by law.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 5969, to IRRC and to the Chairpersons of the HPLC and the Senate Committee on Consumer Protection and Professional Licensure.

Publication of the notice of proposed rulemaking was followed by a 30-day public comment period during which the Board received no written comments from the public. Subsequent to the close of the public comment period, the Board received and considered comments from the HPLC and from IRRC.

The final-form regulation was approved by the HPLC on October 19, 2001, and was deemed approved by the Senate Consumer Protection and Professional Licensure Committee on October 25, 2001. IRRC met on November 1, 2001, and approved the final-form regulation in accordance with section 5(e) of the Regulatory Review Act.

Additional Information

Individuals who would like information about the final-form regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4848.

Findings

The Board finds that:

(1) Public notice of intention to adopt the final-form regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form regulation is necessary and appropriate for the administration of the act.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 3.15 to read as set forth in Annex A.

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

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

(d) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

BRIAN V. HARPSTER, VMD,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6358 (November 17, 2001).)

Fiscal Note: Fiscal Note 16A-5711 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.15. Continuing education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall complete 8 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Continuing education credit will not be given for a course in office management or practice building. A maximum of 25% of the hours may be earned by taking individual study or correspondence courses for which third-party verification of satisfactory completion is provided. The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).

[Pa.B. Doc. No. 01-2274. Filed for public inspection December 21, 2001, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Corrective Amendment to 49 Pa. Code § 41.1

The State Board of Psychology has discovered a discrepancy between the agency text of 49 Pa. Code § 41.1 (relating to definitions), as deposited with the Legislative Reference Bureau, and the text published at 28 Pa.B. 2412, 2413 (May 23, 1998) and the official text codified in the August 1998 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 285), and as currently appearing in the *Pennsylvania Code*. The definition of "doctoral degree in a field related to psychology" was inadvertently dropped at the time a 1998 amendment to another term was codified.

Therefore, under 45 Pa.C.S. § 901: The State Board of Psychology has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 41.1. The corrective amendment to 49 Pa. Code § 41.1 is effective as of August 1, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 41.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF PSYCHOLOGY
GENERAL

§ 41.1. Definitions.

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

* * * * *

Doctoral degree in a field related to psychology—A degree awarded upon successful completion of a program which meets the following criteria or which is approved by the Board under § 41.31(b)(3) (relating to qualifications for taking licensing examination):

- (i) Offers training in an accredited college or university.
- (ii) Wherever the program is administratively housed and regardless of what it is called or what other disciplines it encompasses, clearly demonstrates to the satisfaction of the Board, in pertinent institutional catalogs and brochures, that it provides education and training appropriate to the practice of psychology.
- (iii) Stands as a recognized sequence within the overall program or department.
- (iv) Comprises an integrated, organized sequence of study.
- (v) Provides in its core program required instruction in ethics as they relate to scientific methods and professional standards, research design and methodology, statistics and psychometrics. In addition, requires students to demonstrate competence in each of the following four substantive content areas (this criterion will typically be met by requiring a minimum of three graduate semester hours in each area): biological bases of behavior—for example, physiological psychology, comparative psychol-

ogy, neuropsychology, sensation and perception, psychopharmacology; cognitive-affective bases of behavior—for example, learning, thinking, motivation, emotion; social bases of behavior—for example, social psychology, group processes, organizational and systems theory; individual differences—for example, human development, personality theory, abnormal psychology.

(vi) Includes supervised practicum, internship, field or laboratory training.

(vii) Includes course requirements in specialty areas of psychology.

(viii) Ensures that instruction, supervision and training in the areas enumerated in subparagraphs (v)—(vii) are appropriate to the practice of psychology. Considerations pertinent to this requirement are the psychological content and focus of courses and training, irrespective of title, and the psychological qualifications of the instructor—for example, professional identification, membership in professional organizations, licensure status.

(ix) Requires degree candidates to complete a combined total of at least 60 graduate semester hours in the areas described in subparagraphs (v)—(vii).

(x) Has a residency requirement that each degree candidate complete a minimum of two consecutive academic semesters as a matriculated student physically present at the institution granting the degree.

Doctoral degree in psychology—A degree awarded upon successful completion of a program in psychology which is accredited by the American Psychological Association (APA) or which is designated by the Association of State and Provincial Psychology Boards (ASPPB) or by other designating groups acceptable to the Board; which is approved by the Board under § 41.31(b)(3); or which meets the following criteria:

- (i) Offers training in an accredited college or university.
- (ii) Is clearly identified and labeled as a psychology program, wherever it is administratively housed. Pertinent institutional catalogs and brochures shall specify the intent of the program to educate and train professional psychologists.
- (iii) Stands as a recognizable, coherent organizational entity within the institution.
- (iv) Clearly demonstrates authority and primary responsibility for the required core program (see subparagraph (viii)) and specialty areas (see subparagraph (x)), and for the admission, evaluation and recommendation of students for degrees, whether or not the degree program cuts across administrative lines.
- (v) Comprises an integrated, organized sequence of study.
- (vi) Has an identifiable psychology faculty who provide basic instruction in psychology and a psychologist who is responsible for the program.
- (vii) Has an identifiable body of students who are matriculated in the program for the purpose of qualifying for a degree.

(viii) Provides in its core program required instruction in ethics as they relate to scientific methods and professional standards, research design and methodology, statistics and psychometrics. In addition, requires students to demonstrate competence in each of the following four substantive content areas (this criterion will typically be met by requiring a minimum of three graduate semester hours in each area): biological bases of behavior—for

example, physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology; cognitive-affective bases of behavior—for example, learning, thinking, motivation, emotion; social bases of behavior—for example, social psychology, group processes, organizational and systems theory; individual differences—for example, human development, personality theory, abnormal psychology.

(ix) Includes supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

(x) Includes course requirements in specialty areas of psychology.

(xi) Requires degree candidates to complete a combined total of at least 60 graduate semester hours in the areas described in subparagraphs (viii)—(x).

(xii) Has a residency requirement that each degree candidate complete a minimum of two consecutive academic semesters as a matriculated student physically present at the institution granting the degree.

* * * * *

[Pa.B. Doc. No. 01-2275. Filed for public inspection December 21, 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 December 11, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-6-01	Parkvale Financial Corporation, Monroeville, to acquire 100% of the voting shares of The Second National Bank of Masontown, Masontown	Monroeville	Approved

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-6-01	Parkvale Interim Savings Bank Monroeville Allegheny	Monroeville	Approved
	Interim savings bank being formed solely to facilitate the merger of The Second National Bank of Masontown, Masontown, and Parkvale Savings Bank, Monroeville.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-01	Hollidaysburg Trust Company, Hollidaysburg, and Omega Bank, N.A., State College Surviving Institution— Omega Bank, N.A.	Hollidaysburg	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-5-01	Royal Bank of Pennsylvania Narberth Montgomery County	1650 Grant Avenue Philadelphia Philadelphia County	Approved
12-10-01	Fulton Bank Lancaster Lancaster County	The Shoppes at Jenner's Village Old Baltimore Pike and Route 796 Jennersville Penn Township Chester County	Approved
12-10-01	Altoona First Savings Bank Altoona Blair County	Strawberry Meadows Parcel 9A Blair Township Blair County	Filed
12-10-01	Altoona First Savings Bank Altoona Blair County	Kapa Plaza, Lot #5 Snake Spring Township Bedford County	Filed
12-10-01	Indiana First Savings Bank Indiana Indiana County	Route 119 and Snyder Hill Road (State Route 3012 Punxsutawney Young Township Jefferson County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-11-01	AmeriServ Financial Bank Johnstown Cambria County	87 Logan Boulevard Altoona Blair County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-4-01	Sun Bank Selinsgrove Snyder County	Johnsonburg Plaza Route 219 Johnsonburg Elk County	Filed Approved 12-10-01
12-4-01	Sun Bank Selinsgrove Snyder County	2 East Fourth St. Emporium Cameron County	Filed Approved 12-10-01
12-7-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1901 Research Blvd. Rockville Montgomery County Maryland	Filed
12-7-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	77 West St., Ste. 210 Annapolis Anne Arundel County Maryland	Filed
12-7-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1126 Kennebec Drive Chambersburg Franklin County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2276. Filed for public inspection December 21, 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-0013650 Industrial Waste- water	Chamberlain Manufacturing Corporation 156 Cedar Avenue Scranton, PA 18505-1138	Lackawanna Scranton City	Roaring Brook (Watershed #5A)	Yes
Minor Renewal PA-0043915	River Road Utilities c/o Lutheran Brethren Conference Center 3300 River Road Mount Bethel, PA 18343- 6122	Upper Mount Bethel Township Northampton County	Delaware River #01F	Yes

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

PA0222046, Sewage. **Rodger B. Conklin and Marcia J. McCormack**, 2398 West Washington Street, Bradford, PA 16701. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Activity: renewal of a discharge of treated sewage from a privately owned treatment works serving a single residence for an existing discharge.

The receiving stream, unnamed tributary to Willow Creek, is in watershed 16-B and classified for: high-quality cold water, 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 Allegheny River and Emlenton Water Company located at River Mile 90, 17.48 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 400 gpd.

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

The EPA Waiver is in effect.

PA0222275, Sewage. **Dear, Incorporated, d/b/a Lakeview Estates**, 12430 East Lake Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Activity: treatment of sanitary waste from a personal care facility.

The receiving stream, unnamed tributary to Lake Erie, is in watershed 15 (Lake Erie) and classified for: CWF; MF.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there are no potable water supplies (PWS) to consider for this evaluation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00528 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
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Phosphorus as "P"	1.0		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0031437, Sewage. **Edinboro Mobile Home Village**, 13041 Capp Road, Box 1, Edinboro, PA 16412-1888. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Activity: treatment of sanitary waste from a mobile home park.

The receiving stream, unnamed tributary to Conneaut Creek, is in watershed 16A (French Creek) and classified for: WWF. 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 Franklin General Authority, located at Franklin, approximately 45 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.015 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) (11-1 to 4-30)	5 15		10 30
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5		1.2
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
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

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

Application No. PA 0086151, Sewage, **P.C.S. Chadaga, M.D.**, 110 Inverness Drive, Blue Bell, PA 19422. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream an unnamed tributary to Conodoquinet Creek is in Watershed 7-B and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Borough of Carlisle is located on Conodoquinet Creek, approximately 3.33 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.016 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N	2.5	5.0
Total Phosphorus (4-1 to 10-31)	1.0	2.0
Dissolved Oxygen		Minimum of 5.0 at all times
pH		From 6.0 to 9.0 inclusive
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 3,300/100 ml as a geometric average

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

The EPA waiver is in effect.

Application No. PA 0087891, SIC Code 5191, Stormwater, **Agway, Inc.** (Andgrow Fertilizer Facility), P. O. Box 4741, Syracuse, NY 13221. This application is for issuance of an NPDES permit for a new discharge of stormwater to Mud Run in Watershed 7-F, in Latimore Township, **Adams County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located in York County. The discharge is not expected to impact any potable water supply.

The proposed stormwater monitoring requirements for Outfalls 001—004 involve sampling and analyses for the following parameters: pH, conductivity, ammonia-nitrogen, nitrate-nitrogen, total phosphorus, potassium, sulfate, chloride, alachlor, atrazine, cyanazine and metolachlor. The draft permit includes site-specific Best Management Practices.

The EPA waiver is in effect.

Application No. PA 0088986, **Hostetter Management Co.** (Owl Creek Farm), 974 Albright Road, Newmantown, PA 17073.

Hostetter Management Co. submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Owl Creek Farm, located on Albright Road in Heidelberg Township, **Lebanon County**. The CAFO is situated near Mill Creek, which is classified for Trout Stocking (TSF). The CAFO is designed to maintain an animal population of 392 animal equivalent units (AEUs) consisting of 638 gestating sows, 112 sows with litter, 7 boars, 2052 nursery pigs and 63 replacement gilts.

Manure generated at the existing barn is collected and conveyed to an HDPE lined lagoon with a storage capacity of 2,000,000 gallons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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

Application No. PA 0246344, **Hostetter Management Co.** (Penn Valley Pork, Inc.), Box 32, Phillips Lane, Mohrsville, PA 19541.

Hostetter Management Co. submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Penn Valley Pork Inc., located on Phillips Lane in Upper Bern Township, **Berks County**. The CAFO is situated near Leshner Run, which is classified for Warm Water Fishes (WWF). The CAFO is designed to maintain an animal population of 776 animal equivalent units (AEUs) consisting of 1176 gestating sows, 224 sows with litter, 10 boars, 3650 nursery pigs and 560 replacement gilts.

Manure generated at the existing barn is collected and conveyed to an HDPE lined lagoon with a storage capacity of 2,000,000 gallons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin*

at which time the determination may be appealed to the Environmental Hearing Board.

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

PA0203963, Industrial Waste, SIC, 3087 or 2821, **Washington Penn Plastics Company, Inc.**, Route 136 and Mitchell Road, Eighty-Four, PA 15330-0236. This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the

Performance Products Division in South Strabane Township, Washington County.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Little Chartiers Creek, classified as a high-quality 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 Pennsylvania American Water Company, located on Little Chartiers Creek, approximately 30 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0012 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Carbonaceous Biochemical Oxygen			20		40
Total Suspended Solids			30		60
Ammonia as N					
(5-1 to 10-31)			3		6
(11-1 to 4-30)			9		18
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric mean				
(10-1 to 4-30)	2,000/100 ml as a geometric mean				
Total Residual Chlorine			0.5		1.25
Dissolved Oxygen			Minimum of 5 mg/l at all times		

Outfall 102: new discharge, design flow of 0.00214 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of N/A mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Discharge shall consist of uncontaminated stormwater runoff.					

Outfall 003: existing discharge, design flow of N/A mgd.

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

The EPA waiver is in effect.

PA0043156, Sewage, **Mount Pleasant Township**, P. O. Box 158, Mammoth, PA 15664. This application is for renewal of an NPDES permit to discharge treated sewage from Century Farms Sewage Treatment Plant in Mount Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley Creek, which are classified as a high-quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County municipal Authority—McKeesport.

Outfall 001: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10	15		20
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217492, Sewage, **Mon View Mining Corporation**, P. O. Box 606, New Eagle, PA 15067. This application is for Renewal of an NPDES permit to discharge treated sewage from Mathies Mine-Mingo Portal STP in Nottingham Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mingo Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: PA American Water Company, Aldrich Station, on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.007 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)	20,000/100 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.

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

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

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

The Department reserves the right to hold a public hearing if the responsible office considers the public

response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

WQM Permit No. 2301412, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and conveyance system.

WQM Permit No. 1501422, Sewerage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to replace an existing on lot disposal system with a package extended aeration wastewater treatment plant.

WQM Permit No. 1501423, Sewerage, **Phoenixville Borough**, 145 Church Road, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to replace the existing French Creek Interceptor.

WQM Permit No. 4601415, Sewerage, **Lower Providence Township**, P. O. Box 193, 100 Park Lane Drive, Eagleville, PA 19403. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater collection system and two pump stations.

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

WQM Permit No. 5201402, Sewerage, **Pike County Business Center Maintenance Association, Inc.**, P. O. Box A, Milford, PA 18337. This proposed facility is located in Blooming Grove Township, **Pike County**.

Description of Proposed Action/Activity: This project is subdivision of lands and the construction of the infrastructure for a new business center on a 615 acre tract of land in Blooming Grove Township. The collection and conveyance system will be a combination of gravity sewer and force mains, which will collect sewage from each lot to the treatment facility. A second force main will carry the recycled water from the plant back to each lot. The projected flow to the treatment facility is 10,000 GPD. Approximately 80% of the treated wastewater will be recycled and used as flush water for toilets and urinals. The remaining 20% will be discharged to a spray irrigation field.

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

Application No. 6501412, Sewerage, **Dennis J. Gill**, Box 206, Slack Road, Boquet, PA 15644. Application for the construction and operation of a small flow sewage treatment plant to serve the Gill Residence located in Penn Township, **Westmoreland County**.

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

WQM Permit No. 1001415, Sewerage, **Pinehurst Mobile Home Park**, 899 Rockdale Road, Butler, PA 16002. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a mobile home park.

WQM Permit No. 2501427, Sewerage, **Hickory Hill Country Village**, a Division of Thomas Mobile Home Park, 11962 U.S. Route 19, Waterford, PA 16441. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a mobile home park expansion.

WQM Permit No. 1001414, Sewerage, **Butler Area Sewer Authority**, 125 Pittsburgh Road, Butler, PA 16001-3259. This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve a residential subdivision.

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.

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

NPDES Permit PAS10 D124, Stormwater. **Ashley Development Corporation**, 559 Main Street, Suite 300, Bethlehem, PA, has applied to discharge stormwater associated with a construction activity located in Springfield Township, **Bucks County** to Cooks Creek (EV).

NPDES Permit PAS10 D125, Stormwater. **Dennis Schlosser**, P. O. Box 116, Township Line Road, Hatfield, PA 19440, has applied to discharge stormwater associated with a construction activity located in Milford Township, **Bucks County** to tributary to Unami Creek (HQ).

NPDES Permit PAS10 G498, Stormwater. **Vanderhoef Builders**, 341 Fremont Road, Nottingham, PA 19362 has applied to discharge stormwater associated with a construction activity located in Elk Township, **Chester County** to West Branch Big Elk Creek (HQ-TSF-MF).

NPDES Permit PAS10 G499, Stormwater. **Harkins Farm, LLC**, 242 Winged Foot Drive, Blue Bell, PA 19422 has applied to discharge stormwater associated with a construction activity located in East Fallowfield Township, **Chester County** to UNT to West Branch Brandywine Creek (EV).

NPDES Permit PAS10 G500, Stormwater. **Montgomery School**, 1141 Route 13, Chester Springs, PA 19425, has applied to discharge stormwater associated with a construction activity located in West Pikeland Township, **Chester County** to Pickering Creek (HQ-TSF).

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Permit No. 1401505. Innovative Technology, Public Water Supply.

Applicant	Rebersburg Water Company
Township	Miles Township, Centre County
Responsible Official	Fred Johnson, Chairperson Rebersburg Water Company P. O. Box 157 Rebersburg, PA 16872
Type of Facility	Public Water Supply
Consulting Engineer	Herbert, Rowland, & Grubic, Inc. 474 Windmere Drive Suite 101 State College, PA 16801
Application Received Date	October 29, 2001
Description of Action	Construction of an onsite hypochlorite generation system

Permit No. 1401506, Public Water Supply.

Applicant	Aaronsburg Water Pipes, Inc.
Township	Haine Township, Centre County
Responsible Official	Charles Valentine, Chairperson Aaronsburg Water Pipes, Inc. P. O. Box 254 Aaronsburg, PA 16820
Type of Facility	Public Water Supply
Consulting Engineer	Herbert, Rowland, & Grubic, Inc. 474 Windmere Drive Suite 100 State College, PA 16801
Application Received Date	October November 19, 2001
Description of Action	Construction of Well #4 with disinfection

Permit No. 1401507, Public Water Supply.

Applicant	College Township Water Authority
Township	College Township, Centre County
Responsible Official	R. David Derr, Chairperson College Township Water Authority 1481 East College Avenue State College, PA 16801
Type of Facility	Public Water Supply
Consulting Engineer	Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603

Application Received Date November 26, 2001

Description of Action Construction of the Roger Well with disinfection, sequestration, high service pumps and chlorine contact tank

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

Application No. 0601512 MA, Minor Amendment, Public Water Supply.

Applicant **Wissahickon Spring Water, Inc.**

Municipality Kutztown

County **Berks**

Responsible Official Albert Lear
10447 Drummond Rd.
Philadelphia, PA 19154

Type of Facility Public Water Supply

Consulting Engineer 1—Not Available

Application Received Date July 16, 2001

Description of Action Use of Pine Valley Farms Spring No. 1 as a source of supply.

MINOR AMENDMENT

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

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

Application No. Minor Amendment.

Applicant **Renovo Borough**

Borough Renovo Borough, **Clinton County**

Responsible Official Gerry Lacy, System Operator
Renovo Borough Water System
128 Fifth Street
Renovo, PA 17764

Type of Facility Public Water Supply

Consulting Engineer Kerry A. Uhler & Associates
140 West High Street
Bellefonte, PA 16823

Application Received Date December 6, 2001

Description of Action Addition of LMI MP-100 module to existing hypochlorination system to make it flow proportioned

Application No. Minor Amendment.

Applicant **Consumers Pennsylvania Water Company**

Township Coal Township, **Northumberland County**

Responsible Official Richard T. Subasic
Executive VP/General Manager
Consumers Pennsylvania Water Company
204 East Sunbury Street
Shamokin, PA 17872-4859

Type of Facility Public Water Supply

Consulting Engineer CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112-1788

Application Received Date November 26, 2001

Description of Action Change in pH adjustment chemical from caustic soda to lime

Application No. Minor Amendment.

Applicant **Williamsport Municipal Water Authority**

Township Old Lycoming Township, **Lycoming County**

Responsible Official LaRue VanZile, Director of Engineering
Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701-6113

Type of Facility Public Water Supply

Consulting Engineer Malcolm Pirnie, Inc.
40 Centre Drive
P. O. Box 1938
Buffalo, NY 14219-0138

Application Received Date November 16, 2001

Description of Action Construction of a 1.25 MG finished water storage tank to replace the 1.5 MG Grimesville storage tank

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA 48-339B, Water Allocations. **Bethlehem Authority—City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6028, Tunkhannock Township, **Monroe County**. The applicant is requesting the renewal of an existing permit. The applicant proposes to continue to withdraw 12.0 million gallons, as an annual average, from Tunkhannock Creek.

WA 48-179B, Water Allocations. **City of Easton—Bureau of Water**, 1 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. The City of Easton—Bureau of Water has submitted a Water Allocation application to increase an existing permitted withdrawal on the Delaware River. The current maximum daily withdrawal is 10.0 million gallons. The applicant is requesting a maximum, peak day, withdrawal of 16.0 million gallons.

WA 48-1002, Water Allocations. **Easton Suburban Water Authority**, P. O. Box 3819, Easton, PA 18043-

3819, with offices located at 2414 Butler Street, Easton, PA, City of Easton, **Northampton County**. The applicant is requesting the right to purchase up to 12.0 million gallons, based on a peak day usage or 8.555 million gallons, based on an average daily demand, from the City of Easton.

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 following sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate

Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Eugene F. Hamm—Lending Textile, Inc., Montgomery Borough, **Lycoming County**. United Environmental Services, Inc., on behalf of its client Eugene F. Hamm, 1759 Princeton Avenue, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate soil contaminated with BTEX, PHCs and solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Williamsport Sun-Gazette* on October 25, 2001. See notice in other section of this *Pennsylvania Bulletin*.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Shiffler Steel Site (Former), City of Pittsburgh, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15220 (on behalf of The Rubinoff Company, 503 Martindale Street, Pittsburgh, PA 15212) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, PHCs, PAHs and 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 November 28, 2001.

LTV Aliquippa Coke Plant (Former), Aliquippa Borough, **Beaver County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Bet-Tech Inc., 1150 Brodhead Road, Monaca, PA 15061 and Beaver County Corporation for Economic Development, 250 Insurance Street, Beaver, PA 15009) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on November 28, 2001.

Exxon Service Station #22387 (Former), City of Pittsburgh, **Allegheny County**. Gary Antoinette, Geologic Services Corporation, 129 McCarrell Lane, Suite 2B, Zelienople, PA 16063 (on behalf of Exxon Mobil Corporation, 220 Commerce Drive, Suite 205, Ft. Washington, PA 19034) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, BTEX and MtBE. 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 September 7, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Accepted 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. 101649. Phoenix Resources, Inc., R. R. 1, Box 12A, Wellsboro, PA 16901, for the Phoenix Resources Construction/Demolition Facility located in Duncan Township, **Tioga County**. Application for expansion of disposal capacity. The application was accepted by the Williamsport Regional Office on September 12, 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. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (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.

Permit Application No. 301197. Reliant Energy Northeast Management Co., 1001 Broad Street, Johnstown, PA 15907, for Shawville Ash Disposal Facility located in Bradford Township, **Clearfield County**. Application for expansion of the captive ash disposal facility. The application was accepted by the Williamsport Regional Office on December 5, 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. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (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. 100081. Southern Alleghenies Landfill, Inc., 1550 Coraopolis Heights Road, West Pointe Corporate Center I, Moon Township, PA 15108. Southern Alleghenies Landfill, 843 Miller Picking Road, Davidsville, PA 15928. An application for a major permit modification for changes made to the regulations December 23rd 2000 and a Radiological Monitoring Plan at a municipal waste landfill in Conemaugh Township, **Somerset County** was received in the Regional Office on December 4, 2001.

Permit Application No. 100280. USA Valley Facility, Inc., R. D. #2 Box 282A, Pleasant Valley Road, Irwin, PA 15642. Valley Landfill, R. D. #2 Box 282A, Pleasant Valley Road, Irwin, PA 15642. An application for a major permit modification for a permit renewal, boundary expansion and a Radiological Monitoring Plan at a municipal waste landfill in Penn Township, **Westmoreland County** was received in the Regional Office on December 7, 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 Oper-

ating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

36-03001A: Nichia America Corp. (3775 Hempland Road, Mountville, PA 17554) for modification of its luminescent materials processing facility in West Hempfield Township, **Lancaster County**.

38-03028A: Brentwood Industries, Inc. (2101 Lehman Street, Lebanon, PA 17046) for the installation of carbon adsorption odor control unit on PVC Thin Film Calendar and Extruder Process Lines at its Lebanon Plant in West Lebanon Township, **Lebanon County**.

67-05069B: Cemex, Inc. (P. O. Box 220, Thomasville, PA 17364) for the installation of three bin vent dust collectors at its Thomasville Facility in Jackson Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

18-00005B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for installation of replacement air cleaning devices (electronic fuel gas injection systems) on two 1100 horsepower natural gas-fired reciprocating internal combustion compressor engines (Engines 1 and 2) at the Finnefrock Compressor Station in Leidy Township, **Clinton 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.

09-0015C: Rohm and Haas Co. (Route 413 and State Road, Bristol, PA, 19007) for construction of a regenerative thermal oxidizer in Bristol Township, **Bucks County**. This is a Title V facility. This thermal oxidizer will replace the methyl methacrylate scrubber, #10 kettle incinerator and #7 kettle scrubber. This installation will result in net decrease in emissions of volatile organic compounds (VOC) by 28.5 tons per year and of oxides of nitrogen (NOx) by 0.57 ton per year. The Plan Approval will require the company to perform stack tests to determine the emission rates of VOC and NOx from the thermal oxidizer. The company will also monitor and continuously record the inlet, combustion chamber and outlet temperature of the thermal oxidizer.

09-0050: Better Materials Corp. (P. O. Box 196, Penns Park, PA 18943) for construction of a tertiary crusher and two conveyors in Wrightstown Township, **Bucks County**. This is a Synthetic Minor facility. The tertiary crusher will have a rated capacity of 275 tons per hour. The company will install a wet suppression system at transfer points to control emissions of particulate matter. This installation will result in net increase in emissions of particulate matter (PM) by 1.0 ton per year. The Plan Approval will require the company to limit hours of operation to 5,000 hours in a consecutive 12-month period. The company will meet all opacity limits set forth in 40 CFR 60.672. The company will also comply with all recordkeeping and reporting requirements specified in 40 CFR 60.676.

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

39-318-109: Victaulic Company of America, Inc. (4901 Kesslerville Road, Easton, PA 18045) for construction of a paint spray booth and associated air cleaning device at its Municipal Division facility in the City of Allentown, **Lehigh County**. The manufacturing facility is a non-Title V facility. VOC emissions from the spray booth will be less than one ton per year. Particulate matter emissions from the process will be controlled

through the use filter panels and will be less than 0.02 gr/dscf. VOC emissions from the facility shall be recorded on a monthly basis and shall include comprehensive compositional data for each material, which accurately identifies and quantifies the volatile organic compound and hazardous air pollutant content of the respective materials.

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

53-00004B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for installation of air cleaning devices, "screw-in prechambers," on five 2000 horsepower natural gas-fired reciprocating internal combustion engines (Engines 2-6) at the Harrison Compressor Station in Harrison Township, **Potter County**. The Harrison Compressor Station is a major facility, which has been issued a Title V Operating Permit (53-00004).

The proposed air cleaning devices will replace existing air cleaning devices and are intended to better assure compliance with the nitrogen oxides emission limitations previously established for the respective engines under the reasonably available control technology requirements of 25 Pa. Code §§ 129.91—129.95. These installations will not result in any change in the amount of nitrogen oxides or any other air contaminant allowed to be emitted from the engines but may result in a reduction in the emission rate of one or more air contaminants from the levels now actually occurring.

The following is a summary of the conditions the Department of Environmental Protection proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. Following the installation of the screw-in prechamber (SIP) systems on an engine, the air contaminant emissions from that engine shall not exceed 30.9 pounds per hour of nitrogen oxides (NOx, expressed as NO₂), 11.1 pounds per hour of carbon monoxide and 2.5 pounds per hour of volatile organic compounds when the engine is operating at full load/full speed. Additionally, the emissions from the respective engine shall never at any time exceed 39.7 pounds per hour of nitrogen oxides (NO_x, expressed as NO₂), 16.6 pounds per hour of carbon monoxide and 3.7 pounds per hour of volatile organic compounds.

2. Within 120 days of completion of installation of a SIP system on an engine, stack testing shall be performed on the respective engine for nitrogen oxides (NO_x, expressed as NO₂), volatile organic compounds and carbon monoxide.

3. Semi-annual nitrogen oxides portable analyzer testing shall be performed on the engines.

4. Records shall be maintained of the number of hours per month that each engine is operated and the amount of fuel used per month in each engine.

5. The engines shall only be fired on pipeline quality natural gas.

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

04-00013A: J & L Specialty Steel, Inc. (1500 West Main Street, Midland, PA 15059) for installation of a Steckel Mill and Melt Shop Modifications at the plant Midland, **Beaver County**.

Based on the information provided by the applicant and on DEP's analysis of that information, these installations will result in an increase in the emission limitations at this facility of approximately 4.6 tons of SO₂, 166.3 tons of NO_x, 171.3 tons of CO and 12.5 tons of particulate matter each year.

In order for DEP to assure compliance with all applicable standards, DEP proposes to place the following conditions on the Plan Approval:

3. *General Conditions*

a) This Plan Approval is issued for the construction and operation of a new Steckel Mill and related/supporting equipment and for the modification of the Melt Shop at J&L Specialty Steel in Midland, Beaver County. The Melt Shop is defined to include the two Electric Arc Furnaces (EAFs #7 and #9), the Argon-Oxygen-Decarburization (AOD) vessel, numerous Ladle and Tundish Preheaters, the Ladle Trim Station (LTS), the Continuous Slab Caster, Caster Cutting Torch as well as the EAF/AOD Baghouse and assorted Melt Shop ventilation equipment. This approval authorizes an emission increase based on raising the steel melting capacity from 600,000 to 720,00 tons annually and is issued in accordance with the requirements of 25 Pa. Code, Chapter 127, Subchapters D (PSD) and E (NSR), as well as 40 CFR 60 subpart AA.

b) The slab reheat furnace shall be designed to allow for the installation of SNCR technology. SNCR will be required if the SNCR demonstration project at the Nucor facility in Darlington, SC is determined to be technically feasible in accordance with the Consent Decree between EPA and Nucor. Further emission limitation may be established based on this determination. (25 Pa. Code § 127.205(1))

c) This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or (2) if construction is discontinued for a period of 18 months or more; or (3) construction is not completed within 5 years.

d) The owner or operator, in accordance with 25 Pa. Code §§ 127.208, 127.209 and 127.211, shall secure by approved ERC registry transaction, 238 NO_x ERCs before commencement of operation of the Steckel Mill or increasing Melt Shop Capacity above 600,000 tpy. The total ERCs represent a facility net potential emissions increase of 206.5 tons per year times the 1.15 offset ratio (25 Pa. Code § 127.10)

e) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (25 Pa. Code § 127.12b):

i) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to begin operation at least 5 working days prior to the completion of construction. The notice should state when construction will be done and when the operator expects to begin operation.

ii) Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

iii) This condition authorizes temporary operation of the sources for a period of 180 days from the date of

commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (i).

iv) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

v) The notice submitted by the Owner/Operator under subpart (i), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

4. *Stack Emissions Limitations*

a) Emissions from the facility in any consecutive 12 month period shall be limited as follows (25 Pa. Code § 127.12b):

<i>Facility Emission Limits</i>	
<i>Pollutant</i>	<i>Total Emissions (tpy)</i>
SO ₂	25.3
NO _x	591.6
CO	925.8
VOC	89.4
PM ₁₀	29.1
PM	54.6

b) Emissions from the Steckel Mill Reheat Furnace shall be limited to the following (25 Pa. Code § 127.12b):

Steckel Mill Reheat Furnace Emission Limits

<i>Pollutant</i>	<i>TPY (12 month rolling average)</i>	<i>Lbs/hr (Averaged in accordance with approved test protocol)</i>	
		<i>Lb/mmBtu (30 day rolling average)</i>	
SO ₂	0.4	.09	
NO _x	72.8	16.62	0.11
CO	13.4	3.06	
VOC	3.6	.82	
PM ₁₀	5.0	1.14	
PM	3.6	.82	

c) Emission limits are based on the following production rates. (12 month rolling average):

<i>Source</i>	<i>Production Rates</i>	
	<i>Production Rate</i>	<i>Units</i>
Melt Shop*	720,000	Tons of Steel per year
Grinders	432,000	Tons of Steel per year
Steckel Reheat Furnace	900,000	Tons of Steel per year

*Melt Shop includes two EAFs, AOD, Ladle Trim Station and Ladle Heaters

d) Each Coiling Furnace shall be limited to 7,000 hours/year of operation.

e) In accordance with the requirements of 25 Pa. Code §§ 123.1 and 123.2 fugitive emissions from the facility and melt shop are prohibited.

f) The melt shop is subject to the requirements of 40 CFR 60 Subpart AAa. The applicable requirements of this subpart are included in the Title V permit for this facility.

5. Testing Requirements

a) The Department reserves the right to require stack testing at any time for the sources covered by this Plan Approval. (25 Pa. Code § 127.12b)

b) Within 180 days of initial start-up but no later than 60 days of achieving maximum production, a stack tests shall be performed on the Steckel Mill reheat furnace in accordance with the provisions of 25 Pa. Code Chapter 139 to determine the following pollutant emission rates:

- TSP/PM₁₀
- CO
- NO_x
- VOC
- SO₂

These tests shall be conducted at least once during the term of this approval. (25 Pa. Code § 139.2)

c) The Owner or Operator shall submit a pretest protocol for review at least 60 days prior to performance of the stack tests. (25 Pa. Code § 139.2)

d) The Owner or Operator shall also notify the Department at least 2 weeks prior to the stack tests so that an observer may be present at the time of the tests. (25 Pa. Code § 139.2)

e) The Owner or Operator shall submit a stack test report to the Department within 60 days of the completed testing. (25 Pa. Code § 139.2)

f) The melt shop shall be stack tested in accordance with the Title V permit issued to the facility on November 30, 2001. A pretest protocol shall be submitted to the Department at least 60 days prior to the test date incorporating the modifications approved herein.

6. Monitoring

a) J&L shall record the following information on a regular basis as specified:

- Melt Shop production rate (daily)
- Steckel Mill production rate (daily)
- Reheat Furnace fuel usage (monthly)
- Coiling Furnace fuel usage and hours of operation (monthly)

This log shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

7. Work Practice Standards

a) The Department reserves the right to require additional controls (for example, road paving, process equipment enclosures, and the like) based on evaluation of the operation after start-up and a determination that the existing controls are inadequate to control fugitive emissions. (25 Pa. Code § 127.12b)

b) If J&L operates both EAFs simultaneously, stack testing of the Melt Shop will be required to demonstrate compliance with applicable emission limitations. (25 Pa. Code § 127.12b)

OPERATING PERMITS

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

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

18-00005: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for their Natural Gas Transmission facility in Leidy Township, **Clinton County**. The Title V Operating Permit revision is to incorporate conditions of an amendment of a Reasonably Available Control Technology (RACT) plan for a 4,000-horse power natural gas fired internal combustion engine (Engine #4). The following is a summary of the preliminary RACT determination, which the Department proposes to incorporate into the revised Title V Operating Permit, if finally approved. Nitrogen oxides not to exceed 44.1 pounds per hour and 193.16 tons in any 12 consecutive month period and volatile organic compounds not to exceed 2.43 pounds per hour and 10.64 tons in any 12 consecutive month period. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

09-318-076: Legendary Cars, Inc. (2065 Bunnell Road, Warrington, PA 18976) for operation of a gel coat spray booth in Warrington Township, **Bucks County**. The VOC and HAP emissions from the spray booth shall be kept to less than 3 tons per year. The Operating Permit shall contain additional monitoring and record keeping designed to keep the facility operating within all applicable air quality requirements.

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

06-05188: Metropolitan Edison Company (P. O. Box 16001, Reading, PA 19640-0001) for operation of an electric generating station controlled by combustion controls in Muhlenberg Township, **Berks County**. The facility is not subject to Title V (State only operating permit). The facility will have the potential to emit a total of 23 tons per year of nitrogen oxides, 4.5 tons per year of sulfur dioxides and 2.5 tons per year of carbon monoxide. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-05109: Amerimax Home Products, Inc. (P. O. Box 4515, Lancaster, PA 17604) for operation of its fabricated metal products facility in East Hempfield Township, **Lancaster County**. The facility has the potential to emit 11 tons per year of VOC (after control). The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03005: Larami Metals Co., Inc. (1173 Kings Mill Road, York, PA 17405) for operation of two industrial furnaces in Spring Garden Township, **York County**. Facilities sources of emissions include the sweating furnaces, which primarily emits NO_x. The natural minor operating permit will contain monitoring and recordkeep-

ing requirements designed to keep the facility operating within all applicable requirements.

67-03059: Hill Street Veterinary Hospital (555 Hill Street, York, PA 17403) for the operation of an animal incinerator controlled by an afterburner located in Spring Garden Township, **York County**. The facility has the potential to emit less than 1 ton of each criteria pollutant. The natural minor operating permit will contain monitoring and record keeping requirements designed to keep the facility operating within all applicable requirements.

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

08-00019: Stroehmann Bakeries, L.C. (North Wilber and Tuscarora Street, Sayre, PA 18840) for a State Only Operating Permit for their bread products facility in Sayre Borough, **Bradford County**. The facility's main sources includes three natural gas fired boilers, one variety bread oven, three air make up units and one parts washer. These sources have the potential to emit major quantities of volatile organic compounds (VOC). The facility has taken restrictions on hours of operation to limit potential VOC emissions below Title V thresholds. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter less than 10 microns in size (PM10) and carbon monoxides (CO) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00045: Department of Corrections (P. O. Box 1000, Houtzdale, PA 16698-1000) for a State Only Operating Permit for the State Correctional Institution at Houtzdale, in Woodward Township, **Clearfield County**. The facility's main sources includes two Bituminous coal/#2 fuel oil fired boilers, one #2 fuel oil fired boiler, two emergency generators, coal storage area, 19 kitchen equipment and two #2 fuel oil storage tanks. These sources have the potential to emit major quantities of nitrogen oxides (NOx) and sulfur oxides (SOx). The State Only Operating Permit for this facility includes restrictions on its annual NOx and SOx emissions below major emissions thresholds. The facility has taken restrictions on hours of operation to limit potential NOx and SOx emissions below Title V thresholds. The facility has the potential to emit volatile organic compounds (VOCs), particulate matter less than 10 microns in size (PM10) and carbon monoxides (CO) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

12-00009: Fansteel (American Sintered Technologies Plant, P. O. Box 149, Emporium, PA 15834) for a State Only Operating Permit for their pressed metals facility in Emporium Borough, **Cameron County**. The facility's main sources include seven electric sintering furnaces and five space heaters. The facility has the potential to emit volatile organic compounds (VOCs) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00022: Autoline Industries East, Inc. (P. O. Box 210, McElhattan, PA 17748) for a State Only Operating Permit for their automotive parts remanufacturing facility in Wayne Township, **Clinton County**. The facility's main sources includes three rust inhibitor dip tanks, 17 parts washers, three burnoff ovens, three blasters and six

spray paints booths. The facility has the potential to emit volatile organic compounds (VOCs), nitrogen oxides (NOx) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00046: HPM Industries, Inc. (Atlas Pressed Metals Plant, 125 Tom Mix Drive, P. O. Box P, DuBois, PA 15801) for a State Only Operating Permit for their pressed powder metals parts facility in DuBois City, **Clearfield County**. The facility's main sources include four electric sintering furnaces, ten space heaters and powdered metal dip sizing process. The facility has the potential to emit volatile organic compounds (VOCs) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

47-00010: Hines Color (233 P. P. & L. Road, Danville, PA 17821) for a State Only Operating Permit for their greenhouse facility in Anthony and Derry Township, **Montour County**. The facility's main air contaminant sources are two #2 fuel oil fired boilers. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This State Only Operating Permit contains all applicable regulatory requirements of recordkeeping.

17-00044: MetalTech, Inc. (R. D. 1, Box 26, DuBois, PA 15801) for a State Only Operating Permit for their pressed powder metals parts facility in Sandy Township, **Clearfield County**. The facility's main sources are included four electric sintering furnaces and powdered metal dip sizing process. The facility has the potential to emit volatile organic compounds (VOCs) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00037: Kings Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866) for a State Only Operating Permit for their coal crushing and preparation facility in Morris Township, **Clearfield County**. The facility's main sources include Breaker, Mobile screener, conveyor belts and stockpiles area. The facility has the potential to emit nitrogen oxides (NOx), fugitive dust sulfur oxides (SOx), carbon monoxides (CO) and particulate matter less than 10 microns in size (PM10) below the major emission thresholds. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

PUBLIC HEARINGS

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

18-00005: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for their Natural Gas Transmission facility in Leidy Township, **Clinton County**.

In accordance with 25 Pa. Code § 127.541, this Title V Operating Permit revision is to incorporate conditions of an amendment of a Reasonably Available Control Technology (RACT) plan for Dominion Transmission Corporation.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department of Environmental Protection (Department)

has made a preliminary determination to approve an amendment of a RACT plan and an amendment to the State Implementation Plan (SIP) for a natural gas compressor facility (Finnefrock Compressor Station) in Leidy Township, Clinton County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility, which are intended to comply with current regulations.

The preliminary RACT determination, if finally approved, will result in the revision of Title V Operating Permit 18-00005 and will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination, which the Department proposes to incorporate into Title V Operating Permit 18-00005, as a revision to that permit, for a 4,000-horse power natural gas fired internal combustion engine (Engine #4).

- Nitrogen oxides not to exceed 44.1 pounds per hour and 193.16 tons in any 12 consecutive month period and volatile organic compounds not to exceed 2.43 pounds per hour and 10.64 tons in any 12 consecutive month period.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held on February 6, 2002, at the Department Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of ten minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

Coal Applications Received

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

54011301. Alfred Brown Coal (R. R. 2 Box 118C, Hegins, PA 17938), commencement, operation and restoration of an anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 3.0 acres, receiving stream—unnamed tributary to Schuylkill River. Application received: December 3, 2001.

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

17010115 and NPDES No. PA 0243183. King Coal Sales, Inc., P. O. Box 712, Philipsburg, PA 16866. Commencement, operation and restoration of a bituminous surface mine-coal refuse disposal permit in Morris and Boggs Townships, **Clearfield County** affecting 190.1 acres. Receiving streams: Emigh Run and Alder Run, classified for the following uses: Coal Water Fishery. The first downstream potable water supply intake from the point of discharge is: None. Application received: December 5, 2001.

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

26940104. Harry Lee and Rolland Herring (196 Mennonite church Road, Masontown, PA 15461). Renewal application for commencement, operation and reclamation

of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 75.7 acres. Receiving streams: unnamed tributaries to Jacobs Creek and Jacobs Creek, classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is Albert Gallatin Municipal Authority. Renewal application received: December 3, 2001.

03960106. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal application for reclamation only of a bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 33 acres. Receiving streams: unnamed tributaries to Camp Run and Scrubgrass Creek, classified for the following use: cold water fishery. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 3, 2001.

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

56960110 and NPDES Permit No. PA0234281. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface and limestone removal mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 312.2 acres. Receiving streams: Blue Lick Creek, unnamed tributary to Blue Lick Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 3, 2001.

56010107 and NPDES Permit No. PA0249114. Mar-quis Mining Corporation, 3389 Menoher Blvd., Johnstown, PA 15905. For a new permit, for discharge of treated mine drainage, for commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 74.3 acres. Receiving streams: Fallen Timber Run classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: December 3, 2001.

56000103 and NPDES Permit No. PA0235245. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit revision for a stream enhancement project for an unnamed tributary to Oven Run, the proposed project will include redirecting an unnamed tributary (A) to a second tributary (B) to provide a more consistent water source to unnamed tributary B and for existing discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving streams: unnamed tributary to Oven Run classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority and Cambria/Somerset Water Authority Border. Application received: December 6, 2001.

56980102 and NPDES Permit No. PA0234681. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit revision for a stream enhancement project for an unnamed tributary to Oven Run, the proposed project will include redirecting an unnamed tributary (A) to a second tributary (B) to provide a more consistent water source to unnamed tributary B and for existing discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving streams: unnamed tributary to

Oven Run classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority and Cambria/Somerset Water Authority Border. Application received: December 6, 2001.

Coal Applications Returned

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

40940203C. Hudson Anthracite, Inc. (202 Main Street, Laflin, PA 18702), correction to an existing coal refuse reprocessing operation to add refuse disposal in Jenkins Township, **Luzerne County** affecting 149.9 acres, receiving stream—none. Application received: June 19, 2000. Application returned: December 4, 2001.

Noncoal Applications Received

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

15830602C5. Allan A. Myers d/b/a Independence Construction Materials (P. O. Box 98, 1805 Berks Road, Worcester, PA 19490), correction to an existing quarry operation in Charlestown Township, **Chester County** affecting 79.48 acres, receiving stream—unnamed tributary to Pickering Creek, High Quality, Trout Stocking. Application received: December 3, 2001.

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

08010824. John Heeman, Jr., R. R. 2, Box 273, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Warren Township, **Bradford County** affecting 2 acres. Receiving streams: unnamed tributary, tributary to Wappasening Pendleton Creek. Application received: November 14, 2001.

NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

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

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

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

Project Proposals Received

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

EGS 56002. Wells Creek Watershed Associates, 1019 Pompey Hill Road, Stoystown, PA 15563). A water pollution abatement project to construct a passive AMD treatment system on a 10 acre tract of the James C. and Martha J. Onstead and Allan J. Woy properties located 1 mile south of Listie between Township Roads T-539 and T-572 in Somerset Township, **Somerset County**. Receiving stream: Wells Creek. Project received: November 28, 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 and 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

E15-677. Robert Crouthers, c/o Ragan Engineering Associates, Inc., P. O. Box 151, New London, PA 19360, Upper Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a private bridge crossing with associated wingwalls spanning the Black Horse Creek (HQ-TSF). The proposed bridge consists of a 6-foot high by 12-foot long structure with a span of 30-feet. The structure will serve as an access to two subdivided lots. The project site is located 300 feet west of the intersection of Krauser Road and Blackhorse Circle (Downingtown, PA Quadrangle 15.9 inches North and 13.1 inches West).

E09-828. K. Hovnanian Companies, Northeast, Inc., 301 Oxford Valley Road, Suite 804, Yardley, PA 19067, Northampton Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of the Woods at Northampton Residential Development located 500 feet northeast of the intersection of Jacksonville Road (SR 332) and Pulinski Road (Hatboro, PA Quadrangle 18.1 inches North and 7.3 inches West) in Northampton Township, Bucks County.

1. To construct and maintain an 8-foot by 3-foot box culvert road crossing and associated sewer utilities which will impact 56 linear feet of an unnamed tributary to the Little Neshaminy Creek and 0.33 acre of adjacent wetlands (PEM).

2. To construct and maintain a road crossing by placing fill material in 0.014 acre of wetlands.

3. To construct and maintain a 10-foot by 2-foot box culvert road crossing and associated sewer utilities which will impact 76 linear feet of an unnamed tributary to the Little Neshaminy Creek.

4. To construct and maintain a 6.5-foot by 2-foot box culvert road crossing and associated sewer utilities which will impact 78 linear feet of an unnamed tributary to the Little Neshaminy Creek.

5. To construct and maintain temporary water and sewer utility crossings in 0.033 acre of wetlands located along tributary to the Little Neshaminy Creek.

6. To construct and maintain temporary water and sewer utility crossings in 0.001 acre of wetlands located along an unnamed tributary to the Little Neshaminy Creek.

The project proposes temporary and permanent impacts totaling 210 linear feet of watercourse and 0.44 acre of wetlands. The applicant proposes to compensate wetland losses due to construction activities by constructing 0.88 acre of replacement wetlands on site.

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

E64-225. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Purdy Creek (HQ-CWF), consisting of an 8.0-foot by 6.0-foot reinforced concrete box culvert with its invert depressed 1.0-foot below stream bed elevation. The project is located along S.R. 3040, Segment 0080, Offset 3170, approximately 0.9 mile downstream of Butler Pond (Lakeville, PA, Quadrangle N: 12.4 inches; W: 8.0 inches).

E64-226. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton,

PA 18501, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Ariel Creek (HQ-CWF), consisting of a 91-inch by 58-inch reinforced concrete elliptical culvert. The project is located along S.R. 3011, Segment 0130, Offset 1600, approximately 1.0 mile upstream of Roaming Wood Lake. (Lakeville, PA, Quadrangle N: 11.5 inches; W: 15.9 inches).

E40-579. Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 N. River Street, Wilkes-Barre, PA 18711-1001, in Wilkes-Barre Township and Wilkes-Barre City, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove/modify existing structures and to construct and maintain a stream enclosure of Coal Brook (CWF), consisting of approximately 7,000 linear feet of sections of 84-inch and 90-inch corrugated aluminum steel pipe and 10-foot by 6-foot box culvert. The enclosure will tie into existing enclosed sections and will include numerous stormwater outfall structures along its lengths. Approximately 2,000 linear feet of the existing watercourse (downstream of Spring Street), which consists of enclosed and open channel sections, will remain in place. The upstream portion will be diverted along a new alignment, transitioning to the existing downstream channel along Wilkes-Barre Boulevard via a riprap channel and energy dissipation basin. Approximately 0.1 acre of PEM wetlands will be impacted by the construction of the basis. The project is located between the Arena Hub Plaza and Wilkes-Barre Boulevard. (Wilkes-Barre East, PA Quadrangle N: 21.7 inches; W: 14.4 inches).

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

E07-353. Thomas Fontaine, Hollidaysburg Borough, 401 Blair Street, Hollidaysburg, PA 16648 in Blair Township, **Blair County**, ACOE Baltimore District.

To fill in 0.20 acre of wetland in order to construct Beaver Street extension located just south of US 220/22 about 1.4 mile east of the US 220 and PA 764 intersection (Hollidaysburg, PA Quadrangle N: 9.5 inches; W: 5.25 inches) in Blair Township, Blair County.

E21-333. Donald Deckman, Mountain View Nursery, 1101 Park Place, Mechanicsburg, PA 17055 in Monroe Township, **Cumberland County**, ACOE Baltimore District.

To remove a vegetated gravel bar and silt deposits from the channel of the Yellow Breeches Creek (HQ-CWF) for the purpose of maintaining an agricultural intake used for irrigation of croplands on the Mountain View Nursery Farm located along the west side of the creek about 1.1 miles upstream of the village of Williams Grove (Mechanicsburg, PA Quadrangle N: 3.85 inches; W: 7.3 inches) in Monroe Township, Cumberland County.

E67-712. Mark Bisett, Transcontinental Gas Pipe Line Corp, 2800 Post Oak Blvd, Level 10, Houston, TX 77056 in Peach Bottom Township, **York County** and in Lower Chanceford Township, York County, ACOE Baltimore District.

To construct and maintain two stream relocations and stabilize the stream banks for (1) an unnamed tributary to Fishing Creek (TSF) (Delta, PA Quadrangle N: 20.8 inches; W: 16.4 inches) in Peach Bottom Township, York County and (2) an unnamed tributary to Muddy Creek

(TSF) (Holtwood, PA Quadrangle N: 1.8 inches; W: 13.6 inches) in Lower Chanceford Township, York County.

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

E02-1360. Brooktree Holdings, Inc., 10431 Perry Highway, Suite 300, Wexford, PA 15090. Sewickley Hills Borough, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a stormwater detention facility in 0.045 acre of wetlands associated with an unnamed tributary to Kilbuck Run for the purpose of developing the Woods at Sewickley single homes development. The project is located on the west side of Red Mud Hollow Road, approximately 200 feet south from the intersection of Red Mud Hollow Road and Sweetwater Trail (Emsworth, PA Quadrangle N: 13.5 inches; W: 17.0 inches).

E26-229. Matt Canestrone Contracting, Inc., P. O. Box 234, Belle Vernon, PA 15012. Luzerne Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a 175-foot long barge dock at the downstream end of the existing facility located at mile post 62.6-63.4 in the right slope of the Monongahela River. Also to operate and maintain an existing 3,861 feet long, 156 feet wide barge facility at said location in Luzerne Township, Fayette County (California, PA Quadrangle N: 2.3 inches; W: 14.6 inches).

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

E10-347. Jenny McKeag, 111 Venango Trail, Slippery Rock, PA 16057. McKeag SRSTP Outfall to Slippery Rock Creek, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 7.0 inches; W: 1.6 inches).

To install and maintain a 4-inch diameter outfall pipe along the east side of Slippery Rock Creek approximately 2,000 feet upstream of Wadsworth Bridge Road from a Small Flow Sewage Treatment Facility replacing a malfunctioning septic system at 111 Venango Trail.

E16-120. Elk Township, Clarion County, 10089 Route 208, Knox, PA 16232, T-424 Bryner's Mill Road Bridge, in Elk Township, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 20.5 inches; W: 10.9 inches).

The project involves the construction and maintenance of a single span composite prestressed concrete spread box beam structure to replacement the previous structure which carried Elk Township Road T-424 over Deer Creek (CWF). The proposed normal clear span is 23.4 meters with a vertical clearance of 4.9 meters. The crossing is located in the northeast corner of State Game Lands No. 63, approximately 1.5 km south of the town of Shippenville, Elk Township, Clarion County.

E61-248. Venango Economic Development Corporation, National Transit Building P. O. Box 128, Oil City, PA 16301-0128. Barkeyville Industrial Park, in Barkeyville Borough, **Venango County**, ACOE Pittsburgh District (Barkeyville, PA Quadrangle N: 13.0 inches; W: 15.5 inches).

To fill a total of 0.62 acre of four wetland areas (0.29 acre PFO, 0.33 acre PSS) for development of two lots and an access roadway within the Barkeyville Industrial Park between I-80 and Stevenson Road approximately 0.5 mile west of S.R. 8. Project includes creation of 1.0 acre of replacement wetland on site.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D10-108A. Madison Heights Associates, 215 Executive Drive, Cranberry Township, PA 16066. To construct, operate and maintain Madison Heights Lake Dam across a tributary to Brush Creek (WWF), impacting 0.14 acre of wetlands (PSS) and approximately 1,700 feet of stream and providing 0.17 acre of wetland mitigation, for the purpose of creating a recreational lake. This request is to reissue a Dam Permit, which was issued February 12, 1998 and expired on December 31, 1999. Baden Quadrangle N: 20.1 inches; W: 2.0 inches) in Cranberry Township, **Butler County**.

STORAGE TANKS**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01027	William G. Collins Duke Energy Yukon, LLC 5400 Westheimer Court 8H-41 Houston, TX 77056	Westmoreland	Sewickley	4 ASTs storing Fuel Oil	43,360,00 gallons total

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717)

787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

NPDES Permit No. PA0027294, Sewage, **Bristol Borough Water and Sewer Authority**, 250 Pond Street, Bristol, PA 19007. This proposed facility is located in Bristol Borough, **Bucks County**.

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

NPDES Permit No. PA0011266, Industrial Waste, **Cabot Performance Materials**, P. O. Box 1608, County Line Road, Boyertown, PA 19512-1608. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: Amend existing permit to discharge into West Swamp Creek.

NPDES Permit No. PA0022411, Sewage, **Naval Air Station Joint Reserve Base**, P. O. Box 21, Willow Grove, PA 19090-5021. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Park Creek, Park Creek Pennypack Creek and Little Neshaminy Creek.

WQM Permit No. 2301406. Sewerage, **Dave Clark**, P. O. Box 239, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a single residential STP.

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

PA#0028495, Industrial, **Rhodia, Inc.**, 275 Keystone Drive, Bethlehem, PA 18017. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES Permit for an existing discharge of noncontact cooling water and stormwater.

The receiving stream, Monocacy Creek, is in the State Water Plan watershed #2C and is classified for: high quality, cold water fishery. The nearest downstream public water supply intake for Keystone Water Company Yardley District is located on Delaware River is 78 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.528.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature					110°F
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

The proposed effluent limits for stormwater 002 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			Monitor and Report		
COD			Monitor and Report		
Oil and Grease			Monitor and Report		
pH			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Total Phosphorus			Monitor and Report		
Iron (Dissolved)			Monitor and Report		
Total Phosphorus			Monitor and Report		

Stormwater Outfalls 003, 004, 005 and 006: Not Monitored.

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

NPDES Permit No. PA0204153. Industrial. **Cambria Cogen Company**, 243 Rubisch Road, Ebensburg, PA 15931 is authorized to discharge from a facility located at Cambria Cogen Plant, Cambria Township, **Cambria County** to receiving waters named Little Conemaugh River (Outfall 001), North Branch of Little Conemaugh River (Outfall 002), unnamed tributary to North Branch of Little Conemaugh River (Outfall 003).

NPDES Permit No. PA0216593. Industrial. **Texas Eastern Transmission Corporation**, P. O. Box 1642, SP-335, Houston, TX 77251-1642 is authorized to discharge from a facility located at Holbrook Compressor Station, Richhill Township, **Greene County** to receiving waters named North Fork of Dunkard Fork Creek.

NPDES Permit No. PA0217255. Industrial. **Campbell's Ultra Service Center**, 1111 Clay Pike, North Huntingdon, PA 15642 is authorized to discharge from a facility located at Berton's Spring Remediation System, North Huntingdon Township, **Westmoreland County** to receiving waters named Tinker's Run.

NPDES Permit No. PA0219045. Sewerage. **Apollo Ridge School District**, Route 56 East, P. O. Box 219, Spring Church, PA 15686 is authorized to discharge from a facility located at Apollo Ridge School District Sewage

Treatment Plant, Kiskiminetas Township, **Armstrong County** to receiving waters named unnamed tributary of Roaring Run.

Permit No. 0301404. Sewerage. **Apollo Ridge School District**, Route 56 East, P. O. Box 219, Spring Church, PA 15686. Construction of Sewage Treatment Plant located in Kiskiminetas Township, **Armstrong County** to serve Apollo Ridge School District Wastewater Treatment Plant.

Permit No. 1101403. Sewerage. **Adams Township Municipal Authority**, P. O. Box 265, Salix, PA 15952. Construction of sanitary sewers, pump station and force main located in Adams Township, **Cambria County** to serve Elton Heights.

Permit No. 3201403. Sewerage. **Salvatore J. LoPiccolo**, 1552 Ben Franklin Highway, Ebensburg, PA 15931. Construction of Single Residence Sewage Treatment Facility located in Cherryhill Township, **Indiana County** to serve LoPiccolo Single Residence Sewage Treatment Facility.

Permit No. 6501408. Sewerage. **Municipal Authority of Allegheny Township**, 136 Community Building Road, Leechburg, PA 15656. Construction of sanitary sewers and pump station located in Allegheny Township, **Westmoreland County** to serve Markle Road, Community Park and Watson Road.

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

NPDES Permit No. 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 Action/Activity: This facility is authorized to discharge to the Allegheny River.

NPDES Permit No. PAS228301, Industrial Waste, **International Paper Company**, Kane Woodyard, R. D. 2, Box 24-G, Kane, PA 16735. This proposed facility is located in Wetmore Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to West Run.

NPDES Permit No. PA0100382, Industrial Waste, **Erie Coke Corporation**, P. O. Box 6180, Erie, PA 16512-6180. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Outer Lake Erie Harbor.

NPDES Permit No. PA0033421, Sewage, **Kamping and Recreational Enterprises d/b/a Mercer/Grove City KOA Campground**, 1337 Butler Pike, Mercer, PA 16137-6211. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Pine Run.

NPDES Permit No. PA0023957, Sewage, **Georgetown Heights Subdivision**, P. O. Box 62, McKean, PA 16426-0062. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Elk Creek.

NPDES Permit No. PA0103942, Sewage, **American Carpatho-Russian Orthodox Greek Catholic Diocese of America**, Camp Nazareth, 312 Garfield Street, Johnstown, PA 15906. This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

NPDES Permit No. PA0104019, Sewage, **Superior Waste Services-DuBois**, R. D. 2, P. O. Box Q, Brockway,

PA 15824. This proposed facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Wolf Run.

NPDES Permit No. PA0025569, Sewage, **Slippery Rock Municipal Authority**, 114 Crestview Drive, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Slippery Rock Creek.

NPDES Permit No. PA0238686, Sewage, **Brandy One LCC**, Brandywine Village, P. O. Box 449, Mars, PA 16046. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Little Connoquenessing Creek

WQM Permit No. 2501414, Sewage, **Lake Erie Promotions, Inc.**, Lake Erie Speedway, 3001 West 15th Street, Erie, PA 16505. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a spray irrigation on-lot sewage disposal system to serve the proposed Lake Erie Speedway.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10 G489	Chesterfield Development Corp. c/o Bandolini Companies 1301 Lancaster Avenue Berwyn, PA 19312	Chester	Westtown Township	Tributary to Hunters Run/Ridley Creek and Tributary to East Branch Chester Creek (HQ)

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>
PAS10Q230	Allentown Arena Corp. 219 N. 9th St. Allentown, PA 18102	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102807	DCNR Bureau of State Parks P. O. Box 8451 Harrisburg, PA 17105	Fulton Franklin	Todd Township Metal Township	South Branch Little Aughwick Creek (HQ- CWF)

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W084	PA American Water Co. P. O. Box 1290 300 Galley Road McMurray, PA 15317	Washington County Buffalo Township South Franklin Township	Buffalo Creek/ HQ-WWF
PAS10X099	Maria Toscano 601 Route 22 Delmont, PA 15626	Westmoreland County Salem Township	UNT Beaver Run/ HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Chalfont Borough Bucks County	PAR10 D543	The Barness Organization 975 Easton Road Chalfont, PA	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAR10 D622	PennDOT 7000 Geerdes Boulevard King of Prussia, PA 19406	Tributary to Queen Anne Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAR10 D625	Teva Pharmaceuticals USA 650 Cathill Road Sellersville, PA 18960	East Branch Perkiomen Creek (CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAR10 G458	Brett Brossect 7322 Yorklyn Road Hockessin, DE 19707	UNT to West Branch Red Clay Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAR10 T795	Branch Community Church 100 South Main Street Harleysville, PA 19438	UNT to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10 T792	Limerick Township 646 West Ridge Pike Limerick, PA 19468	Mine Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Red Hill Borough Montgomery County	PAR10 T810	Red Hill Senior Association 4 Denny Road Wilmington, DE 19809	Macoby Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Hanover Township Montgomery County	PAR10 T816	John Wentz P. O. Box 315 Palm, PA 18070	Macoby Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
City of Philadelphia Philadelphia County	PAR10 5340	Uni-Penn, LLC 1 Liberty Place, Suite 3810 1650 Market Street Philadelphia, PA 19103-7332	Delaware River (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schuylkill County Cass Township	PAR105823	Branch/Cass Regional Sewer Authority P. O. Box 309 Llewellyn, PA 17944	Tributaries and W. Branch Schuylkill River	Schuylkill County Conservation District (570) 622-3742
Cumberland Township Adams County	PAR 100136	Gettysburg Airport Clyde Bachert 50 Market Street Lemoyne, PA 17043	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325- 3404 (717) 334-0636
Freedom Township Adams County	PAR100134	Mason-Dixon Farms, Inc. 1800 Mason-Dixon Road Gettysburg, PA 17325	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325- 3404 (717) 334-0636
Cumberland Township Adams County	PAR100141	Adams County Construction, Inc. 828 Biglerville Road Gettysburg, PA 17325	Willoughby Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325- 3404 (717) 334-0636
Lower Swatara Township Dauphin County	PAR10I280	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Juniata Township Perry County	PAR105138	Daniel Deichmiller P. O. Box 400 Dauphin, PA 17018	UNT to Little Juniata Creek	Perry County Conservation District P. O. Box 36 31 W. Main St. New Bloomfield, PA 17068 (717) 582-8988
Tyrone Borough Blair County	PAR100728	William Dixon P. O. Box 188 Tyrone, PA 17325	Bald Eagle Creek TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
West Hanover Township Dauphin County	PAR10I271	Frank Russell Rustrum Realty P. O. Box 6345 Linglestown, PA 17112	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<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>
Butler County Venango Township	PAR10E173	Erico Bridge Restoration Area Margaret Dunn Stream Restoration Incorporated 3016 Unionville Road Cranberry Township, PA 16066	Seaton Creek (CWF)	Butler Conservation District (724) 284-5270
Erie County Girard Borough	PAR10K186	Butternut Knoll, L.P. 602 West 10th Street Erie, PA 16502	UNT to Lake Erie (CWF; MF)	Erie Conservation District (814) 796-6760 Ext. 5
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Phoenixville Borough Chester County	PAR600036	Phoenixville Scrap Co. West High and St. Mary's St. Phoenixville, PA 19460	French Creek-3D Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bristol Township Bucks County	PAR230029	Northtec LLC 411 Sinclair St. Bristol, PA 19007	Neshaminy Creek-2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Pottstown Borough Montgomery County	PAR600033	Mayer Pollock Corp. Keim St. and Industrial Blvd. Pottstown, PA 19406	Schuylkill River-3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Chester Township Delaware County	PAR1400101	Jefferson Smurfit Corp. 100 McDonald Corp. Aston, PA 19014	Chester Creek-3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Derry Township Westmoreland County	PAR116115	Airo Die Casting Inc. (W) 450 New Latrobe-Derry Rd. Loyalhanna, PA 15661	Unnamed tributary to Saxman Run	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Derry Township Westmoreland County	PAR206134	Airo Die Casting Inc. 450 New Latrobe-Derry Rd. Loyalhanna, PA 15661	Unnamed tributary to Saxman Run	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Hempfield Township Mercer County	PAR808375	VEC Technology, Inc. 639 Keystone Road Greenville, PA 16125	Unnamed creek/ Shenango River	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>
Marshall Township Allegheny County	PAG046111	Shirley R. Gleditsch Genevieve C. Leib 1545 Warrendale-Bayne Rd. Baden, PA 15005	UNT to Big Sewickley Creek	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Plum Borough Allegheny County	PAG046115	James and Marlene McKinnon 1642 Old Leechburg Road New Kensington, PA 15068	Tributary to Plum Creek	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Cherryhill Township Indiana County	PAG046235	Salvatore J. LoPiccolo 1552 Ben Franklin Highway Ebensburg, PA 15931	UNT to Yellow Creek	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
North Fayette Township Allegheny County	PAG046236	Craig W. Gratkie 766 Pinkerton Run Road Oakdale, PA 15071	UNT of Pinkerton Run	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Indiana Township Allegheny County	PAG046243	Gary and Marcy Francis 48 Wagner Road Allison Park, PA 15101	Scheaffer Run	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Indiana Township Allegheny County	PAG046244	Nathan and Marla Kress 941 Old Mill Road Cheswick, PA 15024	Tributary of Rawlins Run	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

General Permit Type—PAG-8 (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>
East Hempfield Township Lancaster County	PAG083509	Kline's Service, Inc. 5 Holland Street Salunga, PA 17538	John Landis Long Rood Farm East Hempfield Township Lancaster County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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>
South Bend Township Armstrong County	PAG106106	General Electric International R. D. 3 Box 196 Shelocta, PA 15774	Crooked Creek	Southwest Regional Office: Water Manage- ment Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

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. 4601501, Public Water Supply.

Applicant	Collegetville Trappe Joint Public Water Work 220 W. First Street Trappe, PA 19426
Borough	Trappe
County	Montgomery
Type of Facility	Public Water Supply System
Consulting Engineer	Entech Engineering, Inc. 4 South Fourth Street Reading, PA 19603
Permit to Construct Issued	December 3, 2001

Permit No. 4600510, Public Water Supply.

Applicant	Superior Water Company 2960 Skippack Pike Worcester, PA 19490
Township	New Hanover
County	Montgomery
Type of Facility	Public Water Supply System
Consulting Engineer	Superior Environmental Management, Corporation 2960 Skippack Pike Worcester, PA 19490
Permit to Construct Issued	December 3, 2001

Permit No. 1501506, Minor Amendment. Public Water Supply.

Applicant	Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	East Bradford
County	Chester
Type of Facility	Public Water Supply System
Consulting Engineer	CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	December 10, 2001

Permit No. 0901515, Minor Amendment. Public Water Supply.

Applicant	Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Bristol
County	Bucks
Type of Facility	Public Water Supply System
Consulting Engineer	CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	December 10, 2001

Operations Permit issued to: **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, West Bradford Township, **Chester County** on November 29, 2001.

Operations Permit issued to: **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, West Goshen Township, **Chester County** on November 29, 2001.

Operations Permit issued to: **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, West Tredyffrin Township, **Chester County** on November 29, 2001.

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

Permit No. 2100502, Public Water Supply.

Applicant	Huckelberry Land Water Assoc.
Municipality	Southampton Township
County	Cumberland
Type of Facility	Interconnection with Shippensburg Water Authority. Transmission line, pump station and 100,000 gallon finished water storage tank.
Consulting Engineer	William T Hemsley, P.E. Nasaux-Hemsley, Inc. 56 N. 2nd St. Chambersburg, PA 17201
Permit to Construct Issued:	October 17, 2001

Permit No. 2101504, Public Water Supply.
 Applicant **Regency Woods Mobile Home Park**
 Municipality Middlesex Township
 County **Cumberland**
 Type of Facility Installation of iron and manganese treatment system at an existing system well.
 Consulting Engineer George W. Ruby, P.E.
 Ruby Engineering
 P. O. Box 127
 Rexmont, PA 17085-0127
 Permit to Construct Issued: December 4, 2001

Permit No. 2201507, Public Water Supply.
 Applicant **Halifax Area Water Authority**
 Municipality Halifax
 County **Dauphin**
 Type of Facility Construction of a Booster Pump Station No. 2 at the Matamoras Storage Tank off Route 225, around Matamoras.
 Consulting Engineer Harry E Bingaman, P.E.
 Glace Assoc., Inc.
 3705 Trindle Rd.
 Camp Hill, PA 17011
 Permit to Construct Issued: December 4, 2001

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

Permit No. 5501502, Public Water Supply.
 Applicant **Banzhoff, Banzhoff, & Witkowski**
 Riverview Mobile Home Park
 P. O. Box 339
 Camp Hill, PA 17001
 Township Union Township
 County **Snyder**
 Type of Facility Public Water Supply—approval for construction of distribution system, Well #2, disinfection, potassium permanganate, greensand filtration and finished water storage
 Consulting Engineer Chris Hoover, P.E.
 Hoover Engineering Services
 658 Gaumer Road
 New Cumberland, PA 17070
 Permit to Construct Issued: November 29, 2001

Permit No. 6001502, Public Water Supply.
 Applicant **West Buffalo Township Municipal Authority**
 P. O. Box 237
 Mifflinburg, PA 17844
 Township West Buffalo Township
 County **Union**

Type of Facility Public Water Supply—approval for operation of a water system consecutive to the Borough of Mifflinburg
 Consulting Engineer Raymond H. Robbins, P.E.
 R. D. #5, Box 390
 Johnstown Road
 Mifflinburg, PA 17844
 Permit to Operate Issued: December 3, 2001

Permit No. 5501502, Public Water Supply.
 Applicant **United States Department of Labor**
 Red Rock Job Corps Center
 200 Constitutional Avenue NW
 Washington, DC 20210
 Township **Colley Township**
 County **Sullivan**
 Type of Facility Public Water Supply—approval for construction of new treatment building, transfer of existing treatment equipment to the new building, new greensand filter and new finished water storage tank
 Consulting Engineer Levkukic Associates
 Union Street Station
 101 East Union Street
 Pottsville, PA 17901
 Permit to Construct Issued: December 10, 2001

Permit No. 4146363, Public Water Supply.
 Applicant **Harmony Brook d/b/a Culligan Store Solutions**
 1030 Lone Oak Road
 Eagan, MN 55121-2251
 Borough Mansfield Borough
 County **Tioga**
 Type of Facility Vended Water Supply—approval for operation of a vending machine at the Wal-Mart Supercenter in Mansfield Borough
 Consulting Engineer Chris Hoover, P.E.
 Hoover Engineering Services
 658 Gaumer Road
 New Cumberland, PA 17070
 Permit to Operate Issued: November 29, 2001

Permit No. 6001502, Public Water Supply.
 Applicant **West Buffalo Township Municipal Authority**
 P. O. Box 237
 Mifflinburg, PA 17844
 Township West Buffalo Township
 County **Union**
 Type of Facility Public Water Supply—approval for construction of a water system consecutive to the Borough of Mifflinburg

Consulting Engineer Raymond H. Robbins, P.E.
R. D. #5, Box 390
Johnstown Road
Mifflinburg, PA 17844

Permit to Construct December 3, 2001
Issued

Permit No., Minor Amendment. Public Water Supply.

Applicant **City of DuBois**
16 West Scribner Avenue
P. O. Box 408
DuBois, PA 15801

Township Sandy Township
County **Clearfield**
Type of Facility Public Water Supply—replacement of filter media and gravel, new instrumentation and controls, new sludge drying beds and related appurtenances

Consulting Engineer Morris Knowles & Associates, Inc.
103 Smithfield Street
Pittsburgh, PA 15222

Permit to Construct December 4, 2001
Issued

Permit No., Minor Amendment. Public Water Supply.

Applicant **Borough of Hughesville**
147 South Fifth Street
Hughesville, PA 17737-0020

Borough Hughesville Borough
County **Lycoming**
Type of Facility Public Water Supply—approval for operation of caustic soda pH adjustment and AquaMag DP polyphosphate feeds at Wells 101 and 102

Consulting Engineer Borton-Lawson Engineering, Inc.
613 Baltimore Drive
Suite 300
Wilkes-Barre, PA 18702-7903

Permit to Operate November 27, 2001
Issued

Permit No., Minor Amendment. Public Water Supply.

Applicant **United Water Pennsylvania**
4211 East Park Circle
Harrisburg, PA 17111

Town Town of Bloomsburg
County **Columbia**
Type of Facility Public Water Supply—approval for operation of caustic soda pH adjustment at the Irondale Filtration Plant

Consulting Engineer Nancy J. Trushell, P.E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

Permit to Operate November 27, 2001
Issued

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

Permit No. 1601505, Public Water Supply.

Applicant **PA-American Water Company**
800 West Hershey Park Drive
P. O. Box 888
Hershey, PA 17033-0888

Borough or Township Clarion Township
County **Clarion**
Type of Facility PWS—Addition of ammonia to form monochlorine.

Consulting Engineer Jerry Hankey, P.E.
PA-American Water Company
1909 Oakland Avenue
Indiana, PA 15701

Permit to Construct December 4, 2001
Issued

Operations Permit # 2095501 issued to: **Denny Ridge MHP**, 14842 Nichelson Drive, Meadville, PA 16335, Hayfield Township, **Crawford County** on December 4, 2001.

Permit No. 1094506-MA1, Minor Amendment. Public Water Supply.

Applicant **Saxonburg Area Authority**
420 West Main Street
Saxonburg, PA 16058

Borough or Township Clinton Township
County **Butler**
Type of Facility PWS

Consulting Engineer Olsen Engineering & Associates
126 South Main Street
Butler, PA 16001

Permit to Construct December 6, 2001
Issued

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 21-1014, Water Allocations. **Huckelberry Land Water Assoc., Cumberland County.** Subsidiary water allocation application to purchase bulk water from the Shippensburg Water Authority. Consulting Engineer: William T. Hemsley, P.E., Nasaux-Hemsley, Inc. Permit Issued: October 17, 2001.

WA WA 28-518C, Water Allocations. **Mont Alto Municipal Authority, Franklin County.** Succession of Water Rights from Mont Alto Water Authority to Mont Alto Municipal Authority. Consulting Engineer: Walter A. Mulewich Nassaux-Hemsley, Inc. Permit Issued: November 27, 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>
Lehigh Township	1069 Municipal Road Walnutport, PA 18088	Northampton

Plan Description: The approved plan provides for a small flow treatment facility for an existing single-family residence (400 GPD) on a 15,000 square foot lot, which exhibits unsuitable soils for the use of a conventional on-lot sewage disposal system. The discharge will be to an unnamed tributary of Bertsch Creek. The proposed development is located on West Mountain Drive, Lehigh Township, Northampton County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Silver Lake Township	P. O. Box 126 Brackney, PA 18812	Susquehanna

Plan Description: The Department has completed its review of the Official Sewage Facilities Plan Update for the Silver Lake Area of Silver Lake Township, Susquehanna County, dated January 2001 and revised on September 15, 2001 and in October 2001. The Department has found that the Plan Update is acceptable and granted planning approval on December 4, 2001. The Plan Update provides for the construction of a public sanitary sewer system/low pressure sewers and a 15,000 gallons per day sewage treatment plant. The plant discharge is to Silver Lake Creek, a tributary of Silver Creek. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sugarcreek Township	Sugarcreek Township Supervisors R. D. 1, Box 215 Cowansville, PA 16218	Armstrong

Plan Description: The approved plan provides for a privately owned wastewater treatment plant to replace an existing malfunctioning on-lot sewage disposal system. The new wastewater treatment plant shall be owned and operated by 268 Center, Inc., Mechling-Shakley Veteran's Center, R. D. 1, Box 290, Cowansville, PA 16218-9530. Discharge of treated effluent water shall be to an unnamed tributary to Patterson Creek, a High Quality, trout stocked fishery. Patterson Creek flows into Buffalo Creek, a High Quality, trout stocked fishery. The approximate location of the discharge is latitude 40.92221°, longitude 79.61656°. The discharge of treated sewage effluent to a designated High Quality stream is justified due to the repair of an existing sewage malfunction. A socio-economic justification has been provided for the proposed

increase in sewage flows. Discharge shall be on property adjoining the Veteran's Center on the southwest side of State Route 268, Sugarcreek Township, Armstrong County. The use of the wastewater treatment plant was the best alternative due to onsite soil conditions. Daily flows of up to 8,000 gallons are anticipated for the Veteran's Center, thus requiring a package plant system. No municipal sewage service is available. The Department's review of the sewage facilities planning module component 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 owner, 268 Center, Inc., Mechling-Shakley Veteran's Center.

HAZARDOUS SITES CLEANUP ACT

Proposed Settlement Under the Hazardous Sites Cleanup Act and the Comprehensive Environmental Response, Compensation and Liability Act

**Rodale Manufacturing Company
Borough of Emmaus, Lehigh County**

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a proposed consent decree in *United States and the Commonwealth of Pennsylvania Department of Environmental Protection v. Square D Company*, Civil Action No. 01-CV-6047 (E.D. Pa.). The proposed consent decree was lodged on December 4, 2001, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the Commonwealth against Square D Company under section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), 42 U.S.C.A. § 9607(a) and section 507 of HSCA (35 P. S. § 6020.507) for reimbursement of response costs incurred by DEP in connection with the Rodale Manufacturing Site located in the Borough of Emmaus, Lehigh County, PA. Under the terms of the consent decree, DEP would receive \$53,853.42 in payment of past costs incurred by DEP at the Site. DEP will also be reimbursed for future costs at the Site on a yearly basis by Square D Company. Square D Company will perform remedial activities at the Site in accordance with the September 30, 1999, Record of Decision and the Consent Decree.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113) and 25 Pa. Code § 1021.120(d). The proposed consent decree is subject to final approval by DEP and the Court. The proposed consent decree containing the specific terms of the proposed settlement is available for public review and comment. The proposed consent decree can be examined from 8 a.m. to 4 p.m. at the Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18711-0790. Persons wishing to examine the proposed consent decree should contact Woodrow Cole at (570) 826-2511 or through the AT&T Relay Service at (800) 654-5984 (TDD). Under section 1113 of HSCA, a public comment period on the proposed consent decree will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent decree to the DEP by February 20, 2002, by submitting them to Woodrow Cole at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office 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:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Eugene F. Hamm—Lending Textile, Inc., Montgomery Borough, **Lycoming County**. United Environmental Services, Inc. on behalf of its client Eugene F. Hamm, 1759 Princeton Avenue, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, PHCs and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard. See notice in other section of this *Pennsylvania Bulletin*.

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.

Fogg Property (1265 Eckert Road) and **Satterfield Property** (1266 Cascade Road), Borough of Monaca, **Beaver County**. Kenneth J. Bird, Cummings/Riter Consultants, 339 Haymaker Road, Suite 201, Monroeville, PA 15146 and Newell Rubbermaid, 6833 Stalter Drive, Suite 101, Rockford, IL 61108 (on behalf of Richard B. Fogg and Ruth Ann Fogg, 579 Jefferson Street, Rochester, PA 15074 and Beatrice Satterfield, 1266 Cascade Road, Monaca, PA 15061) has submitted a Final Report concerning the remediation of site soil contaminated with lead and heavy metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 8, 2001.

LTV Southside Sarah Street Properties, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 and a.m. Rodrigex Associates, 200 Railroad Avenue, Carnegie, PA 15016 (on behalf of URA of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Final Report concerning the remediation of site soil contaminated with heavy metals, solvents and BTEX. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 6, 2001.

Metal Service Company Property (Former) Southern Portion, Apollo Borough, **Armstrong County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Armstrong County Industrial Development Council, 402

Market Street, Kittanning, PA 16201) has submitted a Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead and solvents. The Reports were approved by the Department on November 21, 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 Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on November 15, 2001.

Pennzoil Products Company, 54th Street Terminal, City of Pittsburgh, **Allegheny County**. David Soza (on behalf of Pennzoil Products Company, P. O. Box 2967, Houston, TX 77252) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with solvents. The Cleanup plan was approved by the Department on November 19, 2001.

LTV South Side, Soffer South Side Works, Ltd., City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205-9702 (on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15222 and Soffer South Side Works LTD, 400 Penn Center Blvd., Suite 2H, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, PHCs and PAHs. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on November 19, 2001.

Xerox Pittsburgh District Parts Center, City of Pittsburgh, **Allegheny County**. Vincent B. Dick, Haley & Aldrich of New York, 200 Town Centre Drive, Suite 2, Rochester, NY 14632-4264 and William Kalsuga, Xerox Corporation, Xerox Square-018B, 100 Clinton Avenue, Rochester, New York 14644-1877 (on behalf of Andrew A. Lang, Jr., 601 Spencer Lane Ext., Glenshaw, PA 15116) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The Final Report demonstrated attainment of the State-wide Health Standard and was approved by the Department on October 29, 2001.

LTV Steel Company, Inc. Coke Plant, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114) has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Risk Assessment Report was approved by the Department on December 6, 2001.

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

Baker's Auto Service, 716 West Grand Street, City of New Castle, **Lawrence County**, has submitted a Baseline Remedial Investigation Report concerning remediation of soil and groundwater contaminated with Lead, BTEX, PAHs, Solvents, Benzene and Arsenic. The report demonstrated attainment of the Special Industrial Standard and was approved by the Department on November 20, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

Safety-Kleen (TG), Inc., 1122 Lady Street, Columbia, SC 29201. License No. **PA-AH 0271**. Effective December 5, 2001.

Enviroserve, J. V., 5502 Schaaf Road, Cleveland, OH 44131. License No. **PA-AH 0456**. Effective December 4, 2001.

S-J Transportation Company, P. O. Box 169, Woodstown, NJ 08098. License No. **PA-AH 0015**. Effective December 5, 2001.

Gloucester Iron and Metal, Inc., Brick and Stinson Street, Gloucester City, NJ 08030. License No. **PA-AH S222**. Effective December 7, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE VOLUNTARILY TERMINATED

Matlack, Inc., One Rollins Plaza, P. O. Box 8789, Wilmington, DE 19899. License No. **PA-AH 0143**. Effective December 5, 2001.

The R. P. Blair Corp., 1956 Stout Drive, Ivyland, PA 18940. License No. **PA-AH 0588**. Effective December 6, 2001.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR069D001. Friskies PetCare Division, 2050 Pope Road, Allentown, PA 18104-9308. General Permit Number WMGR069D001 is for the beneficial use of wastewater treatment sludge generated from a pet food operation via land application to agricultural lands. Central Office approved the determination of applicability on December 5, 2001.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP1-07-03001: Altoona Area School District (6th Avenue and 15th Avenue, Altoona, PA 16602) on December 6, 2001, was authorized to operate a small gas and No. 2 fired combustion unit under GP1 in the City of Altoona, **Blair County**.

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

65-898A: Equitrans, LP (100 Allegheny Center Mall, Pittsburgh, PA 15222) on December 5, 2001, for installation and operation of a lean-burn compressor engine at the Sleepy Hollow Station in Salem Township, **Westmoreland County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0061: Donaldson Co., Inc. (100 R. R. Drive, Ivyland, PA 18974) on December 4, 2001, for operation of an extrusion line in Northampton Township, **Bucks County**.

23-0045: Sunoco, Inc. R&M (4041 Market Street, Aston, PA 19014) on December 6, 2001, for operation of a vapor combustion unit in Upper Chichester Township, **Delaware County**.

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

48-303-005C: Highway Materials, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422-0465) on December 3, 2001, for modification of a batch asphalt plant and associated air cleaning device in Upper Nazareth Township, **Northampton County**.

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

06-03079A: Interstate Container, LLC (P. O. Box 317, Reading, PA 19603) on December 4, 2001, for modification of a boiler controlled by a low NOx burner, flue gas recirculation and low sulfur fuel oil at its Reading Plant in the City of Reading, **Berks County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

ER-07-05022: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) on December 7, 2001, for emission reduction credits for loading rack and storage tanks at Duncansville Terminal in Blair Township, **Blair County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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.

46-0005L: Merck and Co., Inc. (770 Summeytown Pike, West Point, PA 19486) on December 4, 2001, for operation of a fluid bed granulation dryer columns in Upper Gwynedd Township, **Montgomery County**.

15-0090: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) on December 4, 2001, for operation of a flexographic offset printing units in Uwchlan Township, **Chester County**.

15-0018: Wyeth-Ayerst Pharmaceuticals (31 Morehall Road, Frazer, PA 19355) on December 4, 2001, for operation of three internal combustion engines in East Whiteland Township, **Chester County**.

23-0031: Mercy Fitzgerald Hospital (1500 Lansdowne Avenue, Darby, PA 19023) on December 5, 2001, for operation of a MSB Emergency Generator in Darby Borough, **Delaware County**.

15-0060B: SECCRA Landfill (219 West Street Road, Kennett Square, PA 19348) on December 5, 2001, for operation of a Landfill Gas Open Flare in London Grove Township, **Chester County**.

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

21-05021C: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105) on December 3, 2001, for installation of a backup vapor recovery unit at its Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**. This plan approval was extended.

22-03037: Consolidated Scrap Resources, Inc. (P. O. Box 1761, Harrisburg, PA 17105) on November 1, 2001, for installation of a metal scrap shredder controlled by a cyclone in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

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

14-313-041: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on November 30, 2001, to extend the authorization to operate a chemical process facility (ROC7-2000) and associated air cleaning devices (various process condensers, two packed bed scrubbers and a regenerative thermal oxidizer) on a temporary basis until March 30, 2002, in College Township, **Centre County**.

59-00005C: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on November 30, 2001, to extend the authorization to operate five natural gas-fired reciprocating internal combustion compressor engines (Engines 1, 2, 3, 4 and 5) on a temporary basis until March 30, 2002, at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

53-00006A: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on November 30, 2001, to extend the authorization to operate five natural gas-fired reciprocating internal combustion compressor engines (Engines 3, 4, 5, 6 and 7) on a temporary basis, as well as to extend the authorization to install an alternate air cleaning device (either a screw-in prechamber system or a high pressure fuel injection system) on a sixth natural gas-fired reciprocating internal

combustion compressor engine (Engine 8), until March 30, 2002, at the Ellisburg Compressor Station in Genesee Township, **Potter County**.

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

65-807A: Hanson Aggregates PMA, Inc. (400 Industrial Boulevard, New Kensington, PA 15068) on December 6, 2001, for a limestone classifier and baghouse in Unity Township, **Westmoreland County**. This plan approval was extended.

11-403A: Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650) on December 6, 2001, due to market conditions, the site in Adams Township, **Cambria County**, has not yet been activated. This plan approval was extended.

04-707B: Colona Transfer (Colona Dock, P. O. Box 322, Portersville, PA 16051) on December 6, 2001, for installation of excavator involves disturbance of natural waterways in Monaca Borough, **Beaver County**. They are waiting approval from Soils and Waterways. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

46-00198: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) on December 7, 2001, for operation of a Facility Title V Operating Permit in Upper Hanover Township, **Montgomery County**.

46-00087: Gasboy International, Inc. (707 North Valley Forge Road, Lansdale, PA 19446) on December 7, 2001, for operation of a Facility Title V Operating Permit in Lansdale Borough, **Montgomery County**.

15-00035: LNP Engineering Plastics, Inc. (251 South Bailey Road, Thorndale, PA 19372) on December 7, 2001, for operation of a Facility Title V Operating Permit in Caln Township, **Chester County**.

15-00002: Quebecor Printing Atglen, Inc. (4581 Lower Valley Road, Atglen, PA 19310) on December 7, 2001, for operation of a Facility Title V Operating Permit in West Sadsbury Township, **Chester County**.

23-00084: FPL Energy MH50, L.P. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on December 7, 2001, for operation of a Title V Operating Permit in Marcus Hook Borough, **Delaware County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00059: Koppel Steel Corp. (P. O. Box 750, Beaver Falls, PA 15010) on November 30, 2001, for a steel melting operation and subsequent production of hot rolled bars in both carbon and alloy grades in Beaver Falls, **Beaver County**. The melt shop features an electric arc furnace, a ladle refining station and a continuous caster. Other sources include a rotary hearth furnace and other natural gas sources that support the steel making operations. The facility has the potential to emit greater than 100 tons of the following pollutants: oxides of nitrogen

(NOx), carbon monoxide (CO), sulfur of oxides (SOX) and volatile organic compounds (VOCs) respectively.

04-00013: J & L Specialty Steel, Inc. (1500 W. Main Street, Midland, PA 15059) on November 30, 2001, for operation at their Midland Plant, in Midland, **Beaver County**. The facility's major sources of emissions include natural gas-fired boilers, two electric furnaces, an AOD vessel, DRAP line and anneal and pickle lines which emit major quantities of oxides of nitrogen (NOx), VOCs, PM-10 and carbon monoxide.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

35-00020: Master Halco (1275 Keyser Avenue, Scranton, PA 18504) for operation of a galvanizing furnace and a galvanizing line in the City of Scranton in **Lackawanna County**.

35-00034: Humane Society Lackawanna County (967 Griffin Pond Road, Clarks Summit, PA 18411) for operation of a multi-chamber incinerator in South Abington Township in **Lackawanna County**.

40-00018: Exopack Holding Corp. (3 Maplewood Drive, Humboldt Industrial Park, Hazleton, PA 18201) for operation of multicolor flexographic printing presses in Hazle Township, **Luzerne County**.

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

22-05046: Handwerk Materials, Inc. (P. O. Box 196, Skippack, PA 19474-0196) on December 3, 2001, for operation of a batch asphalt plant in Lower Swatara Township, **Dauphin County**.

28-03008: LandStar Polymer Recovery, Inc. (811 Progress Avenue, Chambersburg, PA 17201) on November 29, 2001, for operation of a rubber recovery facility in Chambersburg Borough, **Franklin County**.

36-03128: LamTech, Inc. (27 West Mohler Church Road, Ephrata, PA 17522) on November 29, 2001, for operation of a countertop manufacturing plant in East Cocalico Township, **Lancaster County**.

36-05032: Versatek Enterprises, LLC (508 Front Street, Lititz, PA 17543) on December 3, 2001, for operation of a woodworking facility in Lititz Borough, **Lancaster County**.

67-03056: SKF USA, Inc. (525 Fame Avenue, Hanover, PA 17331-9582) on December 6, 2001, for operation of a ball and roller bearing plant in Penn Township, **York County**.

67-03089: John W. Keffer Funeral Home, Inc. (902 Mount Rose Avenue, York, PA 17403-2938) on December 5, 2001, for operation of a human crematory in the City of York, **York County**.

67-03098: Workinger-Semmel Funeral Home, Inc. (849 East Market Street, York, PA 17403) on November 30, 2001, for operation of a human crematorium in the City of York, **York County**.

67-03101: Southern Die Casters, Inc. (P. O. Box 178, Shrewsbury, PA 17361) on November 29, 2001, for operation of an aluminum die casting plant in Shrewsbury Township, **York County**.

67-05084: GTY, Inc. (2075 Loucks Road, York, PA 17404) on December 6, 2001, for operation of a wallpaper printing facility in West Manchester Township, **York 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.

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

15-0029: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) on December 7, 2001, for Facility VOC RACT in Downingtown Borough, **Chester County**.

09-00022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) on December 7, 2001, for Facility Title V Operating Permit in Quakertown Borough, **Bucks County**.

15-00013: Huhtamaki Flexibles Inc. (2400 Continental Boulevard, Malvern, PA 19355) on December 7, 2001, for Facility Title V Operating Permit in Tredyffrin Township, **Chester County**.

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

67-05020: Exelon Generation Co.—Peach Bottom Atomic Power Station (1848 Lay Road, Delta, PA 17314-9032) for operation of two auxiliary boilers in Peach Bottom Township, **York County**. On December 4, 2001, the Title V Operating Permit was modified to allow for the monitoring of fuel usage rather than hours of operation to determine compliance.

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

53-00005: Dominion Transmission Inc. (625 Liberty Avenue Pittsburgh, PA 15222) issued a revised Title V Operating Permit, Revision No. 2, on November 14, 2001, to include terms and conditions for the operation of a natural gas fired pipeline heater construction under Plan Approval 53-0003B at the Greenlick Compressor Station in Stewardson Township, **Potter County**. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00024: Sunbury Property, LLC (P. O. Box 267 1400 Susquehanna Avenue, Sunbury, PA 17801) issued a revised operating permit, Revision No. 1, on December 10, 2001, to allow for a change in ownership from Celotex Corporation to Sunbury Property, LLC for their fiberboard production plant in Sunbury, **Northumberland County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

96-050: Convent of the Sisters of Saint Joseph & Chestnut Hill College (9601 Germantown Avenue, Philadelphia, PA 19118) administratively amended on December 7, 2001, to change the facility name and to correct the renewal application fee, in the City of Phila-

delphia, **Philadelphia County**. The Synthetic Minor operating permit was originally issued on November 7, 2000.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00497: Tuscarora Inc. (800 Fifth Avenue, New Brighton, PA 15066) for their New Brighton foam molding facility located in New Brighton shall increase VOC emissions from their Expand EPS and ARCEL molding process by 1 ton. This increase in VOC emissions has been approved by the Department as a de minimis emission increase in accordance with 25 Pa. Code § 127.449.

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

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

65840119 and NPDES Permit PA0601047. Derry Stone & Lime Co., Inc. (R. D. 5, Box 34, Latrobe, PA 15650). Transfer of permit currently issued to M. B. Energy, Inc. for continued operation and reclamation of a bituminous surface/auger/limestone removal and coal crushing site located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributaries to Stony Run and McGee Run. Application received: February 27, 2001. Transfer permit issued: December 3, 2001.

63980101 and NPDES Permit PA 0202151. David Breeden Enterprises, Inc. (P. O. Box 89, 151 West Fourth Avenue, Tarentum, PA 15084-0089). Transfer of permit currently issued to Twilight Industries, Inc., for continued operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 173.0 acres. Receiving streams: three unnamed tributaries to Pigeon Creek. Application received: August 6, 2001. Transfer permit issued: December 10, 2001.

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

56860101 and NPDES Permit No. PA0597546, Croner, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage, in Brothersvalley Township, **Somerset County**, affecting 156.8 acres. Receiving streams: unnamed tributary to Buffalo Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2001. Permit issued: December 3, 2001.

11960202. Ebensburg Power Company, 20 S. Van Buren Avenue, Barberton, OH 44203-0351, renewal for continued operation of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving streams: South Branch Blacklick Creek classified for the following uses: coal water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 11, 2001. Permit issued: December 5, 2001.

56830201. Y & M Salvage (3110 Whistler Road, Stoystown, PA 15563). Permit Revision for a land use change request from abandoned refuse pile to wildlife habitat in Shade Township, **Somerset County**, affecting 17.9 acres. Receiving streams: unnamed tributary to Stony Creek classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority and Cambria/Somerset Water Authority Border Dam. Application received: October 3, 2001. Permit Issued: December 5, 2001.

11990102 and NPDES Permit No. PA0235075. Laurel Energy, Inc., One Energy Place, Suite 7500, Latrobe, PA 15650. Permit Revision request for a stream encroachment to utilize road for haul road activity within 100 feet of two unnamed tributary to South Fork Branch of Little Conemaugh River. The variance for haul road activity within 100 feet of the tributaries is as follows: 1. A stream crossing of unnamed tributary "D" approximately 450 feet upstream of its confluence with South Fork Branch of Little Conemaugh River. 2. A stream crossing of unnamed tributary "C" approximately 550 feet upstream of its confluence with South Fork Branch of Little Conemaugh River. 3. Utilize an existing haul road within 100 feet along portions of unnamed tributary "C" beginning at the stream crossing 550 feet upstream of the confluence with the South Fork Branch of Little Conemaugh River and continuing upstream for a distance of approximately 2150 feet in Adams and Conemaugh Townships, **Cambria County**, affecting 469.9 acres. Receiving streams: Little Conemaugh River, Bear Run classified for the following uses: cold water fishery, cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 2, 2001. Permit issued: December 6, 2001.

Project Proposals Issued

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

EGS 56001, AMD & ART (411 Third Avenue, Johnstown, PA 15906). A project to conduct a site assessment, cleanup, restoration and redevelopment of a 1.5-acre tract of the Reitz No. 4 property located on the north side of S.R. 1018 in Shade Township, **Somerset County**. Receiving stream Dark Shade Creek. Project received: September 24, 2001. Project issued: December 5, 2001.

Noncoal Permits Actions

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

58900302C2. Stateline Quarries, Inc. (2183 Pennsylvania Ave., Apalachin, NY 13732), renewal of NPDES Permit #PA0595471 in Apolaccon Township, **Susquehanna County**, receiving stream—unnamed tributary to Apalachin Creek and Cork Hill Creek. Application received: October 17, 2001. Renewal issued: December 4, 2001.

58010842. Raymond W. Dibble (R. R. 2 Box 203Y, Meshoppen, PA 18630), commencement, operation and restoration of a small quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Application received: August 15, 2001. Permit issued: December 4, 2001.

09840301C6 and NPDES Permit #PA0614301. 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 257.9 acres, receiving stream—unnamed tributary to Delaware River and Van Sciver Lake. Application received: October 18, 2001. Correction issued: December 5, 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.

28014020. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Antrim Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued: December 3, 2001.

36014050. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Manor Township, **Lancaster County** with an expiration date of December 31, 2004. Permit issued: December 3, 2001.

36014051. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Earl Township, **Lancaster County** with an expiration date of February 28, 2002. Permit issued: December 3, 2001.

67014014. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of December 31, 2002. Permit issued: December 3, 2001.

06014021. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2002. Permit issued: December 3, 2001.

06014022. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2002. Permit issued: December 3, 2001.

06014023. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Amity Township, **Berks County** with an expiration date of December 31, 2002. Permit issued: December 3, 2001.

21014024. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in Monroe Township, **Cumberland County** with an expiration date of December 31, 2002. Permit issued: December 4, 2001.

21014025. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of December 31, 2006. Permit issued: December 4, 2001.

28014021. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Salem Ridge Church Cemetery in Antrim Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued: December 4, 2001.

21014022. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Cedar Grove Mennonite Church Cemetery in Antrim Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued: December 4, 2001.

15014014. Horst Drilling & Blasting, Inc. (Lonny Horst) (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Tattersall Gold Community in West Bradford Township, **Chester County** with an expiration date of March 30, 2002. Permit issued: December 5, 2001.

45014015. Keystone Hollow, Inc. (P. O. Box 1158, Marshalls Creek, PA 18355) and Douglas Explosives (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Great Bear Golf Course in Middle Smithfield Township, **Monroe County** with an expiration date of January 30, 2004. Permit issued: December 5, 2001.

46014024. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Woods Edge Development in Upper Providence Township, **Montgomery County** with an expiration date of December 31, 2001. Permit issued: December 5, 2001.

54014009. Reading Site Contractor (392 Sanatoga Road, Pottstown, PA 19464) and Explo-Tech/AEEI (401 West High Street, Suite 102, Pottstown, PA 19464), construction blasting in West Brunswick Township, **Schuylkill County** with an expiration date of February 28, 2002. Permit issued: December 5, 2001.

06014024. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2006. Permit issued: December 6, 2001.

21014026. John W. Gleim, Jr., Inc. (90 Stover Drive, Carlisle, PA 17013), construction blasting in Carlisle Borough, **Cumberland County** with an expiration date of December 31, 2001. Permit issued: December 6, 2001.

28014023. P & W Excavating, Inc. (P. O. Box 712, McConnellsburg, PA 17233), construction blasting in Greencastle Township, **Franklin County** with an expiration date of December 31, 2001. Permit issued: December 6, 2001.

28014025. P & W Excavating, Inc. (P. O. Box 712, McConnellsburg, PA 17233), construction blasting in

Greencastle Township, **Franklin County** with an expiration date of January 1, 2012. Permit issued: December 6, 2001.

36014053. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Earl Township, **Lancaster County** with an expiration date of February 15, 2002. Permit issued: December 6, 2001.

36014054. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Rapho Township, **Lancaster County** with an expiration date of January 15, 2006. Permit issued: December 6, 2001.

36014055. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Rapho Township, **Lancaster County** with an expiration date of January 15, 2002. Permit issued: December 6, 2001.

36014056. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of January 16, 2004. Permit issued: December 6, 2001.

36014057. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of March 1, 2002. Permit issued: December 6, 2001.

36014058. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Cocalico High School in Dever Borough, **Lancaster County** with an expiration date of January 15, 2003. Permit issued: December 6, 2001.

38014023. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Lebanon Township, **Lebanon County** with an expiration date of January 15, 2005. Permit issued: December 6, 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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E64-219. Persephone, Inc., R. R. 3, Box 1238, Honesdale, PA 18431. Dyberry Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To maintain a 0.7-acre excavated pond in and along a tributary to the Lackawaxen River. Issuance of this permit also constitutes approval of the environmental assessment for a nonjurisdictional dam. The project is located along the east side of Township Road T-546, approximately 0.4 mile north of the intersection of T-546 and S.R. 4005 (Aldenville, PA Quadrangle N: 4.2 inches; W: 9.2 inches).

E48-308. T & S Development Corporation, 623 Selvaggio Drive, Suite 200, Nazareth, PA 18064. Lower Nazareth Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 30-foot x 3-foot reinforced concrete box culvert in a tributary to Monacacy Creek associated with the Newburg Estates residential subdivision project. The project is located on the north side of S.R. 3020 (Newburg Road), approximately 0.8 mile northwest of its intersection with S.R. 0191 (Nazareth, PA Quadrangle N: 15.0 inches; W: 12.7 inches).

E48-312. Russell S. Myers, 496 Willow Road, Walnutport, PA 18088. Lehigh Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To place fill in and eliminate a private pond having a surface area of approximately 0.05 acre for the purpose of constructing a new house. The project also includes the construction of a 12-inch diameter outfall pipe and associated energy dissipator in the floodway of a tributary to the Lehigh River and is located on the southeast side of

Township Road T536 (Willow Road), approximately 500 feet southwest of S.R. 4001 (Cementon, PA Quadrangle N: 22.0 inches; W: 7.0 inches).

Denied E48-275. Wind-Drift Real Estate Associates, Attention: Louis D. Ronka, Partner, 179 Mikron Road, Bethlehem, PA 18020, In Bushkill Township, **Northampton County**, U.S. Army Corps Of Engineers, Philadelphia District.

To excavate and place fill in approximately 1.86 acres of Exceptional Value wetlands associated with the construction of a pond to used for crop irrigation. The project is located on the east side of Township Road T-626 (Clearfield Road), just north of Township Road T-601 (Wind Gap, PA Quadrangle N: 4.8 inches; W: 12.4 inches).

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

E06-552. Exeter Township, 4975 DeMoss Road, Reading, PA 19606 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To remove the existing bridge and to construct and maintain a new concrete 13-foot by 10-foot box culvert at the channel of Heisters Creek (WWF) on Lincoln Road (Birdsboro, PA Quadrangle N: 5.7 inches; W: 11.65 inches) in Exeter Township, Berks County.

E07-326. Duncansville Borough, 1146 Third Avenue, Duncansville, PA 16635 in Duncansville Borough, **Blair County**, ACOE Baltimore District.

To stabilize and restore a 2,010-foot reach of Blair Gap Run (TSF) using rock vanes, stone deflectors, riprap, stream bank grading and filling, gravel bar removal, floodway fill removal, live stake installation and tree plantings for the purpose of stabilizing the stream banks, reducing flooding within the park and adjacent properties and improving the aesthetics of the park while providing an opportunity for the work to serve as a demonstration project located in Duncansville Borough Park (Holidaysburg, PA Quadrangle N: 9.8 inches; W: 7.5 inches) in Duncansville Borough, Blair County.

E28-292. JED Associates, 4961 Cumberland Highway, Chambersburg, PA 17201 in Greene Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain two metal box culverts, one 11-foot, 7-inches by 2-feet, 10-inches by 54-feet and one 8-foot, 9-inches by 2-feet, 6-inches by 63-feet and relocate approximately 920 feet of an existing agricultural field drainage channel along an unnamed tributary to Phillman Run (CWF) at points along White Church Road approximately 1,000 feet from the intersection of White Church Road and PA 997 (Scotland, PA Quadrangle N: 12.5 inches; W: 8.0 inches) in Greene Township, Franklin County.

E31-175. Springfield Township, R. D. 1 Box 1271, Three Springs, PA 17264 in Springfield Township, **Huntingdon County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a box culvert having a span of 20 feet and an underclearance of 4 feet across the channel of Lick Run (TSF) at a point at Covert Road (T-308) (Orbisonia, PA Quadrangle N: 6.5 inches; W: 10.0 inches) in Springfield Township, Huntingdon County.

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

E02-1331. Port Authority of Allegheny County, One Gateway Center 13 West, Pittsburgh, PA 15222. South Park Township, **Allegheny County**, ACOE Pittsburgh District.

To remove existing structures, to relocate and reconstruct Piney Fork (TSF) for a distance of 318 m (1,043 ft) and within the relocated channel construct and maintain two retaining walls, wall No. 1 is located on the left bank for a distance of 101 m (331 ft) and wall No. 2 is along the right bank for a distance of 215 m (705 ft), to remove the existing bridge Pleasant Street Bridge and construct and maintain a new single span bridge having a span of 15.5 m (51.0 ft) and underclearance 1.8 m (6.0 ft), to remove the existing LRT bridge and construct and maintain a new double span spread box bridge each having a span of 7.8 m (25.5 ft) and underclearance of 2.3 m (7.5 ft), to construct and maintain a new pedestrian single span bridge having a span of 15.5 m (50.9 ft) and underclearance of 2.4 m (7.8 ft), to construct and maintain a new South Access Road bridge having a span of 15.5 m (51.0 ft) and underclearance of 2.4 m (7.8 ft) to provide stream bank planting/stabilization in various locations starting approximately 200 m (643 ft) upstream of the relocated channel and extending along the channel relocation area to place and maintain fill in a de minimis area of wetlands (PEM) equal to 0.025 acre. This project is to reconstruct the existing, currently operating Library End of Line to modern light rail transit (LRT) standards, including construction and maintenance of a new Public Transit Station and New Park and Ride Facility. (Bridgeville, PA Quadrangle the project begins at N: 7.1 inches; W: 3.7 inches and ends at N: 6.6 inches; W: 2.7 inches).

E02-1347. County of Allegheny, Department of Public Works, Room 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. West Mifflin Borough, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing bridge (Thompson Run South Side Bridge No. 3) and to construct and maintain an arch culvert having a span of 14.0 feet with an underclearance of 10.0 feet in and across the channel of Thompson Run (WWF) for the purpose of improving highway safety. The project is located on Homestead Duquesne Road, approximately 120 feet south from the intersection of Homestead Duquesne Road and Lower Bull Run Road. This permit also authorizes the construction and maintenance of a temporary bypass structure consisting of three 5 foot diameter culverts. (Glassport, PA Quadrangle N: 21.0 inches; W: 0.75 inch).

E26-212-A1. Department of Conservation and Natural Resources, P. O. Box 387, Prospect, PA 16052. Wharton Township, **Fayette County**, ACOE Pittsburgh District.

To amend Permit No. E26-212 to include the construction and maintenance of a single span pedestrian bridge having a normal span of 40.0 feet and an underclearance of 3.5 feet across Quebec Run (EV) in Forbes State Forest (Brownfield, PA Quadrangle N: 0.95 inch; W: 8.9 inches).

E30-200. Greene County Board of Commissioners, 93 East High Street, Waynesburg, PA 15370. Cumberland Township, **Greene County**, ACOE Pittsburgh District.

To remove the existing County Bridge No. 13 and to construct and maintain a bridge having a normal clear span of 13.55 m and an underclearance of 2.33 m across Muddy Creek (WWF) located on T-660 (Dugan Hill Road) at a point approximately 110 m south of its intersection with S.R. 0021 (Mather, PA Quadrangle N: 0.62 inch; W: 3.39 inches).

E65-790. Manor Borough, 47 Race Street, Manor, PA 15665. Manor Borough, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a single span pedestrian bridge having a normal span of 64.0 feet and an underclearance of 12.0 feet across Brush Creek (TSF) for the purpose of providing access to a playground. The bridge is located 400 feet downstream from Race Street Bridge (Irwin, PA Quadrangle N: 14.8 inches; W: 5.9 inches).

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

E20-509, Penncrest School District, 18741 State Hwy 198, P. O. Box 808, Saegertown, PA 16433-0808. Saegertown Nature Trail and Stream Stabilization of tributary to Kerns Run, in Hayfield Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 17.7 inches; W: 6.1 inches).

To conduct the following activities associated with the Penncrest School District's Saegertown Elementary School Nature Trail in/along a tributary to Kerns Run approximately 500 feet upstream of S.R. 198 west of the football field behind the Saegertown Elementary School:

1. Construct and maintain a steel beam bridge having a span of 30 feet and an underclearance of 6 feet across a tributary to Kerns Run on a nature trail.
2. Construct and maintain a bank stabilization and channel improvement along a total reach of approximately 170 feet in a tributary to Kerns Run including:
 - a. Excavation for flood plain establishment at two locations measuring 45 feet and 60 feet in length
 - b. Rock riprap bank protection along a total length of approximately 170 feet
 - c. Construct a flow deflector/bank protection structure using existing debris in the channel.
 - d. Construct two rock riprap bank barb channel deflectors.

E25-637, Pennsylvania Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. S.R. 4034, Section A80 Erie East Side Access Highway, in Harborcreek Township and City of Erie, **Erie County**, ACOE Pittsburgh District

The following structures and activities are being proposed as part of the construction of the Erie East Side Access Highway, S.R. 4034, section A80 beginning at the western side of Wintergreen Gorge in Harborcreek Township (Hammet, PA Quadrangle N: 22.4 inches; W: 16.3 inches) and continuing westward to McCalland Avenue in the City of Erie (Erie South, PA Quadrangle N: 22.2 inches; W: 2.4 inches).

1. To construct and maintain a continuous steel plate girder bridge having spans of 252.6 feet, 465.8 feet and 377.2 feet with a underclearance of 88.9 feet across Fourmile Run.
2. To relocate and enclose two tributaries to Fourmile Run having a contributory drainage less than 100 acres.
3. To construct and maintain a temporary crossing and fill for construction access within the channel and floodplain of Fourmile Run.
4. To temporarily fill a total of 0.39 acre of wetland (0.27 acre PEM, 0.03 acre PSS, 0.08 acre PFO)
5. To permanently fill 1.71 acres of wetland (0.19 acre PEM, 0.25 acre PSS, 1.27 acres PFO)

Construction of replacement wetlands for this project was previously authorized under DEP Permit No. E25-626.

E62-381, United Refining Company, 15 Bradley Street, Warren, PA 16365. Fire Water Pump Bank Protection and Stormwater Outfall Along Allegheny River, in City of Warren, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 15.1 inches; W: 1.25 inches).

To remove the collapsed structure and to construct and maintain a 30-inch diameter stormwater outfall and 9-foot high by 24-foot long gabion basket endwall and bank protection along the right (north) bank of the Allegheny River adjacent to United Refining Company's existing Seneca Fire Water Pumps approximately 0.9 mile upstream of the confluence of Conewango Creek.

[Pa.B. Doc. No. 01-2277. Filed for public inspection December 21, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Dermatologic SurgiCenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Dermatologic SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.H.1.a (relating to corridors), 13-3.3.2 (relating to emergency generators) and 13-3.4 (relating to medical gases).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163; e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2278. Filed for public inspection December 21, 2001, 9:00 a.m.]

Application of Healthsouth Rehab Hospital of Greater Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Healthsouth Rehab Hospital of Greater Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders). The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2279. Filed for public inspection December 21, 2001, 9:00 a.m.]

Application of Lancaster NeuroScience & Spine Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster NeuroScience & Spine Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.2.H1.j(3) and (4) (relating to exceptions for the minimum ceiling height).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163; e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other

accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2280. Filed for public inspection December 21, 2001, 9:00 a.m.]

Application of LifeCare Hospitals of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that LifeCare Hospitals of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.6C (relating to seclusion treatment room of the psychiatric nursing unit).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2281. Filed for public inspection December 21, 2001, 9:00 a.m.]

Application of Saint Vincent Surgery Center (Union City Memorial Hospital) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Saint Vincent Surgery Center (Union City Memorial Hospital) has requested an exception to the requirements of 28 Pa. Code §§ 551.22(3)(ii), 553.3, 553.4 and 555.23 and Chapter 557 (relating to quality assurance improvement).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute

and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2282. Filed for public inspection December 21, 2001, 9:00 a.m.]

Application of UPMC Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that UPMC Health System has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 01-2283. Filed for public inspection December 21, 2001, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services-Williamsport North
300 Leader Drive
Williamsport, PA 17701

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a 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 (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2284. Filed for public inspection December 21, 2001, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Rheems Nursing Center, Inc.
Broad Street
Rheems, PA 17570

This request is on file with the Department. Persons may receive a copy of the 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 this 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. 01-2285. Filed for public inspection December 21, 2001, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, January 9, 2002. The meeting will be held at the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, Pennsylvania, on the 3rd Floor in Conference Room 327, from 10 a.m. to 3 p.m.

For additional information, please contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services at (717) 772-4959.

Persons with a disability who desire to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact the Head Injury Program at (717) 772-4959.

V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2286. Filed for public inspection December 21, 2001, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced in this notice have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these firms or persons, or any firms, corporations or partnerships in which these firms or persons have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Dennis F. Casey, Inc. (Fed. ER I.D. No. 23-1742477) -and- Dennis F. Casey, III, individually	302 Ryers Avenue Cheltenham, PA 19012 -and- 6825 Germantown Avenue Philadelphia, PA 19119-2113 -and- 3760 Frankford Avenue Philadelphia, PA 19124	December 5, 2001

Contractor

G & P Painting Co., Inc.
(Fed. ER I.D. No. 23-2427765)
-and- James White, individually

Address

1819 Regina Street
Harrisburg, PA 17103 -and-
P. O. Box 2624
Harrisburg, PA 17105

Date of Debarment

December 5, 2001

Siteworks! of Greater Delaware
Valley, LLC (Fed. ER I.D. No. 23-
2975551) -and- Chester Atkins, indi-
vidually

1118 Melrose Avenue
Melrose Park, PA 19027-3016

December 5, 2001

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 01-2287. Filed for public inspection December 21, 2001, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under the provisions of section 806 of the Fiscal Code (72 P. S. § 806), the Secretary of Revenue announces that, for the year commencing January 1, 2002, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 6% per annum. This rate will remain constant until December 31, 2002. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 2002. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code, as herein cited, requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2288. Filed for public inspection December 21, 2001, 9:00 a.m.]

Pennsylvania Triple Your Luck Bingo 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 Your Luck Bingo.

2. *Price:* The price of a Pennsylvania Triple Your Luck Bingo instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Triple Your Luck Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 76 play symbols located in the six play areas are: The numbers 1 through 75 and FREE. The six "Lucky" symbols that may be located in the play area are: Rabbit's Foot Symbol, Horseshoe Symbol, Rainbow Symbol, Clover Symbol, Leprechaun Symbol and a Star Symbol. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 x 10 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$3, \$5, \$9, \$15, \$30, \$45, \$60, \$90, \$120, \$150, \$300, \$1,000, \$3,000 and \$30,000. The player can win up to six times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Triple Your Luck Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a "T" pattern, matching all five squares in the first horizontal row and all five squares in the middle vertical column through the "FREE" space, on any "Card," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 6," shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners with one of the spaces in the "X" pattern containing a "Lucky" Symbol, on "Card 4" or "Card 5," shall be entitled to a prize of \$3,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 6," shall be entitled to a prize of \$300.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2" or "Card 3," shall be entitled to a prize of \$300.

(g) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$150.

(h) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4" or "Card 5," shall be entitled to a prize of \$120.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners with one of the four corners containing a "Lucky" symbol, on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$90.

(j) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns with one of the spaces in the diamond pattern containing a "Lucky" symbol, on "Card 1," shall be entitled to a prize of \$90.

(k) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$60.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$60.

(m) Holders of tickets matching the "Caller's Card" play symbols in the four corners with one of the four corners containing a "Lucky" symbol, on "Card 1," shall be entitled to a prize of \$45.

(n) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$30.

(o) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$30.

(p) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$15.

(q) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a "Lucky" symbol, on "Card 4," "Card 5" or "Card 6," shall be entitled to a prize of \$15.

(r) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a "Lucky" symbol, on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$9.

(s) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 4," "Card 5" or "Card 6," shall be entitled to a prize of \$5.

(t) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$3.

(u) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
Line Card 1	\$3	1:16.95	481,440
Line Card 2	\$3	1:17.24	473,280
Line Card 3	\$3	1:17.24	473,280
Line Card 4	\$5	1:100	81,600
Line Card 5	\$5	1:100	81,600
Line Card 6	\$5	1:100	81,600
Line Card 1 + Line Card 4	\$8	1:250	32,640
Line Card 2 + Line Card 6	\$8	1:333.33	24,480
Line Card 3 + Line Card 5	\$8	1:333.33	24,480
Line Card 1 (Lucky Symbol)	\$9	1:58.82	138,720
Line Card 2 (Lucky Symbol)	\$9	1:58.82	138,720
Line Card 3 (Lucky Symbol)	\$9	1:62.50	130,560
Line Card 4 + Line Card 5	\$10	1:500	16,320

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
Line Card 4 + Line Card 6	\$10	1:1,000	8,160
Line Card 5 + Line Card 6	\$10	1:1,000	8,160
4 Corners Card 1	\$15	1:1,000	8,160
Line Card 4 + Line Card 5 + Line Card 6	\$15	1:1,000	8,160
Line Card 4 (Lucky Symbol)	\$15	1:500	16,320
Line Card 5 (Lucky Symbol)	\$15	1:500	16,320
Line Card 6 (Lucky Symbol)	\$15	1:1,000	8,160
4 Corners Card 1 + Line Card 3	\$18	1:500	16,320
Line Card 1 + Line Card 2 + Line Card 3 + Line Card 4 + Line Card 5 + Line Card 6	\$24	1:1,000	8,160
4 Corners Card 1 + Line Card 4 + Line Card 6	\$25	1:500	16,320
Diamond Card 1	\$30	1:3,429	2,380
4 Corners Card 2	\$30	1:3,429	2,380
4 Corners Card 3	\$30	1:3,429	2,380
4 Corners Card 4	\$30	1:3,429	2,380
4 Corners Card 1 + Line Card 4 + Line Card 5 + Line Card 6	\$30	1:3,000	2,720
Line Card 5 (Lucky Symbol) + Line Card 6 (Lucky Symbol)	\$30	1:300	27,200
4 Corners Card 1 + 4 Corners Card 4	\$45	1:8,000	1,020
4 Corners Card 1 (Lucky Symbol)	\$45	1:1,714	4,760
4 Corners Card 2 + Line Card 4 + Line Card 5 + Line Card 6	\$45	1:8,000	1,020
Diamond Card 2	\$60	1:10,000	816
Diamond Card 3	\$60	1:10,000	816
4 Corners Card 5	\$60	1:10,000	816
4 Corners Card 6	\$60	1:10,000	816
Diamond Card 1 + 4 Corners Card 4	\$60	1:10,000	816
4 Corners Card 1 + 4 Corners Card 2 + Line Card 4 + Line Card 5 + Line Card 6	\$60	1:8,000	1,020
4 Corners Card 4 + 4 Corners Card 6	\$90	1:40,000	204
Diamond Card 2 + 4 Corners Card 4	\$90	1:40,000	204
Diamond Card 1 (Lucky Symbol)	\$90	1:15,000	544
4 Corners Card 2 (Lucky Symbol)	\$90	1:15,000	544
4 Corners Card 3 (Lucky Symbol)	\$90	1:15,000	544
4 Corners Card 4 (Lucky Symbol)	\$90	1:15,000	544
Diamond Card 4	\$120	1:30,000	272
Diamond Card 5	\$120	1:30,000	272
Diamond Card 2 + 4 Corners Card 6	\$120	1:15,000	544

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
Diamond Card 1 + 4 Corners Card 2 + 4 Corners Card 3 + 4 Corners Card 4	\$120	1:8,571	952
X Card 1	\$150	1:60,000	136
4 Corners Card 3 + Diamond Card 5	\$150	1:20,000	408
X Card 2	\$300	1:120,000	68
X Card 3	\$300	1:120,000	68
Diamond Card 6	\$300	1:120,000	68
X Card 1 + 4 Corners Card 3 + Diamond Card 5	\$300	1:60,000	136
X Card 1 + X Card 2	\$450	1:60,000	136
X Card 3 + Diamond Card 5 + 4 Corners Card 4	\$450	1:60,000	136
X Card 4	\$1,000	1:120,000	68
X Card 5	\$1,000	1:120,000	68
X Card 4 (Lucky Symbol)	\$3,000	1:120,000	68
X Card 5 (Lucky Symbol)	\$3,000	1:120,000	68
X Card 6	\$3,000	1:120,000	68
T Pattern On Any Card	\$30,000	1:1,360,000	6

Lucky Symbol = Rabbit's Foot, Horseshoe, Rainbow, Clover, Leprechaun and Star.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Your Luck Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Your Luck Bingo, prize money from winning Pennsylvania Triple Your Luck Bingo 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 Your Luck Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Triple Your Luck Bingo or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2289. Filed for public inspection December 21, 2001, 9:00 a.m.]

Pennsylvania Two for the Money '02 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 Two for the Money '02.

2. *Price:* The price of a Pennsylvania Two for the Money '02 instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Two for the Money '02 instant lottery game ticket will contain two play areas known as "Game 1" and "Game 2." Each "Game" will feature a "Lucky Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Number" areas and "Your Numbers" areas 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 (SIXTEN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 10 "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$12\$ (TWELV), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$96\$ (NTY SIX), \$240 (TWOHUNFRY) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$8, \$12, \$16, \$24, \$48, \$96, \$240 and \$24,000. The 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 Two for the Money '02 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$24,000 (TWYFORTH0) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$240 (TWOHUNFRY) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$240.

(c) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$96\$ (NTY SIX) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$96.

(d) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$48\$ (FRY EGT) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$48.

(e) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$16\$ (SIXTN) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$16.

(g) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number"

play symbol in the same "Game," and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$8.⁰⁰ (EGT DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$8.

(i) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$3.⁰⁰ (THR DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol in the same "Game," and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "Your Number" play symbol in that "Game," 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 The Lucky Number In The Same Game, 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 6	\$6	1:750	8,000
\$2 x 3	\$6	1:1,500	4,000
\$3 x 2	\$6	1:1,500	4,000
\$6	\$6	1:1,500	4,000

When Any Of Your
Numbers Match The Lucky
Number In The Same
Game, Win With
Prize(s) Of:

Prize(s) Of:	Win	Approximate Odds	Approximate No. of Winners Per 6,000,000 Tickets
\$1 x 8	\$8	1:1,500	4,000
\$2 x 4	\$8	1:1,500	4,000
\$4 x 2	\$8	1:1,500	4,000
\$6 + \$2	\$8	1:1,500	4,000
\$8	\$8	1:1,500	4,000
\$2 x 6	\$12	1:500	12,000
\$3 x 4	\$12	1:1,500	4,000
\$4 x 3	\$12	1:1,500	4,000
\$6 x 2	\$12	1:1,500	4,000
\$1 x 8 + \$2 x 2	\$12	1:1,500	4,000
\$3 x 2 + \$2 x 3	\$12	1:750	8,000
\$12	\$12	1:1,500	4,000
\$2 x 8	\$16	1:1,500	4,000
\$4 x 4	\$16	1:1,500	4,000
\$2 x 6 + \$1 x 4	\$16	1:1,500	4,000
\$4 x 2 + \$2 x 4	\$16	1:1,500	4,000
\$16	\$16	1:1,500	4,000
\$3 x 8	\$24	1:375	16,000
\$4 x 6	\$24	1:500	12,000
\$6 x 4	\$24	1:500	12,000
\$3 x 5 + \$2 x 4 + \$1	\$24	1:500	12,000
\$12 x 2	\$24	1:500	12,000
\$16 + \$2 x 4	\$24	1:500	12,000
\$8 + \$4 x 4	\$24	1:500	12,000
\$6 x 2 + \$2 x 6	\$24	1:375	16,000
\$12 + \$6 x 2	\$24	1:500	12,000
\$24	\$24	1:1,500	4,000
\$4 x 8 + \$8 x 2	\$48	1:10,000	600
\$8 x 6	\$48	1:10,000	600
\$12 x 4	\$48	1:10,000	600
\$16 x 3	\$48	1:10,000	600
\$24 x 2	\$48	1:7,059	850
\$48	\$48	1:12,000	500
\$24 x 3 + \$4 x 6	\$96	1:24,000	250
\$16 x 6	\$96	1:24,000	250
\$24 x 4	\$96	1:24,000	250
\$48 x 2	\$96	1:24,000	250
\$96	\$96	1:24,000	250
\$24 x 10	\$240	1:120,000	50
\$48 x 5	\$240	1:120,000	50
\$240	\$240	1:120,000	50
\$24,000	\$24,000	1:1,000,000	6

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Two for the Money '02 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 '02:* For a period of 1 year from the announced close of Pennsylvania Two for the Money '02, prize money from winning Pennsylvania Two for the Money '02 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 Two for the Money '02 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 Two for the Money '02 or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2290. Filed for public inspection December 21, 2001, 9:00 a.m.]

DEPARTMENT OF STATE

State Athletic Commission; Notice of Public Meetings for 2002

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2002, under section 103 of the State Athletic Code, 5 Pa.C.S. (relating to Athletic Agent Registration Act). All meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows: February 25, 2002, April 29, 2002, June 24, 2002, August 26, 2002, October 28, 2002 and December 16, 2002.

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 01-2291. Filed for public inspection December 21, 2001, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approval of Ignition Interlock Systems

Under 42 Pa.C.S. § 7002(d) (relating to ignition interlock systems for driving under the influence), the following ignition interlock system devices are on the Department of Transportation's current approved list:

Alcohol Countermeasure Systems Corporation's—Ignition Interlock Model WR2.

Consumer Safety Technology, Incorporated's—Intoxalock™

LifeSafer Interlock, Incorporated's—FC100

Guardian Interlock™ Systems'—Model 3060

Draeger Interlock®, Incorporated's—Model 35 30920

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-2292. Filed for public inspection December 21, 2001, 9:00 a.m.]

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

[Addendum and Revision]

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of section 3368 of the Vehicle Code, 75 Pa.C.S. § 3368, published at 29 Pa.B. 6534 (December 25, 1999), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Addition

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition of the following station as an Electronic Speed-Timing (Radar) inspection station: Davidheiser's Speedometer Repair Inc., 181 Ridge Road, Teleford, PA 18969.

Change in Ownership

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the change in ownership of the following station as the result of a merger: Y.I.S. Incorporated, 1049 Hartley Street, York, PA 17404.

The new station name will be Y.I.S./Cowden Group Incorporated, 1049 Hartley Street, York, PA 17404. The station numbers will be R3, W60, EL7, EM5.

Cancellation

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the cancellation of approval of the following stations as a result of a merger: Cowden Enterprises, 733 Diamond Street, Williamsport, PA 17701, Station numbers W2, EL20 and EM20.

Comments, suggestions or questions may be directed to Pete Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-2293. Filed for public inspection December 21, 2001, 9:00 a.m.]

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2001

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2001.

Each year, under Subchapter B of the Aviation Code, 74 Pa.C.S. §§ 6121—6124 and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in section 5102 of the Aviation Code, 74 Pa.C.S. § 5102. Each public airport owner seeking a grant shall enter into an agreement with the Department.

The agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property for which the grant is sought as an airport at least equal in size and capacity as that indicated in the owner's grant application. The agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any subsequent grant, the covenant shall be deemed extended for one additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the owner shall be liable for reimbursement of the Department's costs of prosecution.

Applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2001, must be submitted before the close of business on February 1, 2002. Applications must be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17101-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Edward Buczeskie at (717) 705-1223.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-2294. Filed for public inspection December 21, 2001, 9:00 a.m.]

approximately 0.70 hectare (1.74 acres) Snowberger House/Mowery House B which has been determined eligible for listing on the National Register of Historic Places.

Information describing the project together with the associated environmental analysis is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the removal of three contributing elements, and the acquisition of 0.17 hectare (0.42 acre) from the approximately 0.70 hectare (1.74 acres) Snowberger House/Mowery House B which has been determined eligible for listing on the National Register of Historic Places.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize these effects.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-2296. Filed for public inspection December 21, 2001, 9:00 a.m.]

Contemplated Sale of Lands No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513 (e)(7), intends to sell certain land owned by it located in Lawrence Township along S.R. 0879, Clearfield County, Clearfield, PA. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Pennsylvania Department of Transportation, George M. Khoury, P.E., District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-2295. Filed for public inspection December 21, 2001, 9:00 a.m.]

Finding Bedford County

Under the provisions of section 2002(b) of The Administrative Code (71 P. S. § 2002(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Tussey Mountain Bridge carrying S.R. 0036 over Yellow Creek in Hopewell Township, Bedford County. The project will require the removal of three contributing elements (corn crib, sugar house and chicken coop), and the acquisition of 0.17 hectare (0.42 acre) from the

FISH AND BOAT COMMISSION

Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on January 25 and 26, 2002, the Commission will consider designating the following stream sections as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*:

58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas

The Commission will consider extending the Delayed Harvest Artificial Lures Only (DHALO) Area on Little Clearfield Creek, Clearfield County, a distance of 0.2 mile. If approved, this change will result in a total of 1.3 miles of Little Clearfield Creek being regulated and managed

under the DHALO program. The revised section will be as follows: from the bridge on S.R. 2023 (Turkey Hill Bridge) upstream 1.3 miles.

The Commission also will consider adding the following stream section to the list of DHALO Areas designated under 58 Pa. Code § 65.6:

County	Water on which located	Description
Columbia	Fishing Creek	From 385 yards upstream of the Benton Borough line upstream to the upstream property line of Richard Kriebel, a distance of 0.5 mile.

The Commission is soliciting public input concerning the previous designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, by no later than 4 p.m. on Thursday, January 24, 2002. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 01-2297. Filed for public inspection December 21, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 6, 2001, and took the following actions:

Regulations Approved:

Pennsylvania Securities Commission #50-116: National Securities Markets Improvement Act of 1996 Amendments (amends 64 Pa. Code Chapters 202, 203, 301—304 and 606)

State Board of Medicine #16A-4910: Licensure, Certification, Examination and Registration Fees (amends 49 Pa. Code Chapters 16 and 18)

Department of Revenue #15-414: Personal Income Tax (amends 61 Pa. Code Chapter 101)

Department of Revenue #15-413: Termination Pay, Severance Pay and Early Retirement Incentive Programs (amends 61 Pa. Code Chapter 101)

Department of Health #10-154: Drug and Alcohol Facilities and Services (amends 28 Pa. Code Chapter 701;

deletes portions of Chapters 709, 711 and 713; and adds Chapter 705)

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
December 6, 2001

Pennsylvania Securities Commission—National Securities Markets Improvement Act of 1996 Amendments; Regulation No. 50-116

On July 13, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Securities Commission. This rulemaking amends 64 Pa. Code Chapters 202, 203, 301—304, and 606. The proposed regulation was published in the August 4, 2001 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 30, 2001.

This final-form regulation changes or deletes outdated sections and adds new sections to reflect the National Securities Markets Improvement Act of 1996 and Act 109 of 1998. These changes reduce filing requirements and make Pennsylvania regulations relating to securities consistent with state and Federal law.

We have determined this regulation is consistent with the statutory authority of the Pennsylvania Securities Commission (70 P. S. § 1-609(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
December 6, 2001

State Board of Medicine—Licensure, Certification, Examination and Registration Fees; Regulation No. 16A-4910

On March 27, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapters 16 and 18. The proposed regulation was published in the April 21, 2001 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 7, 2001.

This rulemaking increases 15 fees, reduces two fees and establishes two new fees for the radiology examination application (\$25) and for the registration of an additional supervisor for physician assistants (\$5). These amendments result from an internal audit of the operations of the Bureau of Professional and Occupational Affairs. The Board estimates that approximately 12,300 persons will avail themselves of one or more of these services over the next two-year period. Total additional costs to the regulated community during that time span will be approximately \$96,100. Only those requesting the enumerated services will be affected.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.6) and

the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
December 6, 2001

Department of Revenue—Personal Income Tax; Regulation No. 15-414

On April 26, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapter 101. The proposed regulation was published in the May 6, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 31, 2001.

The Department is interpreting the scope of “supplemental unemployment benefits” which are excluded from compensation under 72 P. S. § 7301(d)(vi). The amendments clarify the tax treatment of programs offered as supplemental benefits to employees terminated from service due to layoff, workforce reduction, plant closings and other involuntary terminations.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. §§ 7301(d)(vi) and 7354) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
December 6, 2001

Department of Revenue—Termination Pay, Severance Pay and Early Retirement Incentive Programs; Regulation No. 15-413

On May 3, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapter 101. The proposed regulation was published in the May 13, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 31, 2001.

The Department is defining the terms “limited plan of termination,” “qualified annuity” and “severance pay.” The Department is also interpreting 72 P. S. § 7301(d) to mean that insurance benefits paid under the Railroad Retirement Act and payments to a partner guaranteed from that partnership are not considered “compensation” as defined in that subsection.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. §§ 7301(d) and 7354) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
December 6, 2001

Department of Health—Drug and Alcohol Facilities and Services; Regulation No. 10-154

On November 1, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 701; deletes portions of Chapters 709, 711 and 713; and adds Chapter 705. The proposed regulation was published in the November 13, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was originally submitted to the Commission on August 24, 2001. On September 13, 2001, the Commission received a request from the Department to toll consideration of this final-form regulation to make clarifications and corrections to seven provisions. On October 15, 2001, the Department submitted its revisions to the final-form regulation to the Commission. On October 23, 2001, the revised final-form regulation was disapproved by both the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In response, the Department withdrew the final-form regulation on October 29, 2001. The Department made further revisions and resubmitted the final-form regulation on November 14, 2001.

This regulation replaces existing physical plant requirements for residential and nonresidential drug and alcohol treatment and rehabilitation facilities with requirements that are consistent with current health, safety, and fire and panic code requirements.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 751-25, 751-31, 1690.104(a)(16) and 1690.104(j)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2298. Filed for public inspection December 21, 2001, 9:00 a.m.]

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 committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
11-208	Insurance Department Long-Term Care Insurance Form and Rate Filings (31 Pa.B. 5553 (October 6, 2001))	12/6/01	11/5/03
7-368	Environmental Quality Board Safe Drinking Water (31 Pa.B. 5083 (September 8, 2001))	12/7/01	11/7/03
7-365	Environmental Quality Board Heavy-Duty Diesel Emissions Control Program (31 Pa.B. 4958 (September 1, 2001))	12/10/01	11/9/03

**Insurance Department Regulation No. 11-208
Long-Term Care Insurance Form and Rate Filings
December 6, 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 Insurance Department (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 5, 2003, the regulation will be deemed withdrawn.

1. Section 89a.103. Definitions.—Clarity.

Producer

This term is defined as an "agent" or "broker." However, the text of the regulation does not use the term "producer" consistently. Instead, the terms "agent," "broker" and "producer" are all used in the body of the regulation. In the final-form regulation, the defined term should be used consistently throughout the regulation.

2. Section 89a.104. Policy definitions.—Need; Clarity.

Bathing

The definition of this term begins with a reference to "oneself," but concludes with the phrase "or drawing the water for a sponge bath and getting the equipment to the person or the person to the equipment." This phrase is not included in the definition of "bathing" in the National Association of Insurance Commissioners (NAIC) Long-Term Care Insurance Model Regulation (Model). Furthermore, the references to transporting equipment or the person imply that a second person is involved in the bathing process.

It is our understanding that the Department did not intend for the definition to encompass the services of a second person. The definition should be revised to clarify this point. The Department should also explain why it is necessary to deviate from the NAIC Model.

Medicare

This definition is similar to the corresponding definition in the NAIC Model. However, the NAIC Model definition of "Medicare" references "any later amendments or substitutes thereof." The Department should revise the definition to include the NAIC language. Otherwise, the definition will not encompass future amendments to the Medicare statutes.

Subsection (b)

This subsection addresses the definitions of various service providers. The last sentence states, "The definition may require that the provider be appropriately licensed or certified when the licensure or certification of the provider is required by the Commonwealth."

This sentence is confusing. The intent of this provision should be clarified in the final-form regulation.

3. Section 89a.105. Policy practices and provisions.—Clarity.

Subsection (b) Limitations and exclusions

Paragraph (1)(ii) references ". . . Alzheimer's Disease or other related degenerative or dementing illnesses." The reference to "other related degenerative or dementing illnesses" is vague and is not included in the NAIC Model. The reference to "other" illnesses should be clarified in the final-form regulation, or the phrase should be deleted.

Subsection (g) Electronic enrollment for group policies

Subparagraph (1)(iii) requires that telephonic or electronic enrollment include safeguards that assure the confidentiality of "individually identifiable information." This provision in the NAIC Model includes the terms "individually identifiable information" and "privileged information." The NAIC Model also references a definition of "privileged information." The Department should explain why the term "privileged information" is not in this provision in the proposed regulation.

4. Section 89a.108. Required disclosure of rating practices to consumers.—Clarity.

In Subsection (b)(5), insurers are required to provide premium rate increase information for a policy form or similar forms for the past 10 years. Comparable policies, in many cases, did not exist 10 years ago. The Department should amend the regulation to provide for flexibility when 10 years of data is not available.

5. Section 89a.109. Initial filing requirements.—Clarity.

In Subsection (b) of the NAIC Model, the insurer is given 30 days to provide the required information to the Commissioner. The proposed regulation does not mention a specific time period, but does reference 15 sections of the Accident and Health Filing Reform Act (Act). To be more specific, the regulation should reference the time periods set forth in Sections 3 and 4 of the Act (40 P. S. §§ 3803 and 3804).

6. Section 89a.113. Requirements for application forms and replacement coverage.—Fiscal impact; Need.

This section includes sample application forms that are to be used by insurance companies. The Department has

changed NAIC Model language from “state” to “Commonwealth” in the proposed regulation. Commentators have suggested that by substituting “Commonwealth” for “state” in various standardized forms, carriers would be required to print costly materials specific only to Pennsylvania. Is there a need for insurers to make application forms that are specific to Pennsylvania?

7. Section 89a.129. Permitted compensation arrangements.—Fiscal impact; Need.

This section retains existing provisions, which place limits on compensation to an agent or broker for the sale of a long-term care insurance policy (31 Pa. Code § 89.921). For example, the rule limits a commission or other compensation to a maximum of 50% of the first year premium of a long-term care policy. However, the NAIC Model Rule uses a maximum of 200%. Commentators question the need for the 50% limitation. What is the Department’s rationale for maintaining the 50% rule?

**Environmental Quality Board Regulation No. 7-368
Safe Drinking Water
December 7, 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 Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 7, 2003, the regulation will be deemed withdrawn.

1. Multilingual requirements for Public Notices and Consumer Confidence Reports.—Protection of the public health, safety and welfare; Economic impact; Feasibility; Reasonableness; and Clarity.

The EQB has requested comments from the regulated community on Sections 109.411(c)(2) and 109.416(3)(ii) concerning multilingual requirements imposed by the Environmental Protection Agency (EPA). Specifically, the EQB solicited input on how a large proportion of non-English speaking consumers should be defined, what resources are available to water systems that wish to provide translated copies of these reports, and what resources are available to consumers seeking translation services or assistance in reading the notice. In regard to our criteria, the language of the proposed regulation raises five concerns.

First, the threshold of a “large proportion of non-English speaking consumers” is vague. In addition, the make up of a population is subject to change and so is the fluency of English. What criteria will the EQB use to identify a large proportion of non-English speaking consumers? How would these trends within a population be evaluated and updated?

Second, a Tier 1 notice is required as soon as possible, but no later than 24 hours after the water system learns of the violation or situation. The wording of a public notice is important in these situations. Where can a water system acquire the expertise to provide accurate notices in a language other than English?

Third, Sections 109.411(c)(2)(ii) and 109.416(3)(ii) require water systems to immediately meet the multilingual requirement, “Until the Department determines whether a system serves an area with a large proportion of non-English speaking consumers. . . .” How can a water system implement these requirements? We further question when the Department of Environmental Protection

(Department) will make its determination and what recourse a water system will have if it does not agree with the determination?

Fourth, when a water system uses broadcast media such as radio or television to notify the public of a violation, what procedures must be followed to satisfy the multilingual requirement?

Finally, while recognizing the importance of informing the public of unsafe drinking water, do all water systems, and in particular smaller water systems, have the resources to meet the multilingual requirements of the regulation? Does the EQB have an estimate of anticipated costs for small and large water systems?

2. Public Notices—form, manner and frequency of notices.—Protection of the public health, safety and welfare; Reasonableness; and Clarity.

Sections 109.408, 109.409 and 109.410 address the form, manner and frequency of Tier 1, Tier 2, and Tier 3 public notices respectively. The requirements of these sections reflect the Federal regulations for safe drinking water established by the EPA. Commentators have raised several issues regarding these notices.

First, the Tier 1 public notice procedure includes a consultation process between the Department and the water system. However, the regulation does not describe the details of the consultation process or how any disagreement would be resolved. Has the EQB considered language that explains how the consultation process works and what the minimum requirements for public notification would be?

Second, numerous commentators believe the timing, form and manner of public notice does not adequately protect the public from potentially contaminated water. They recommend requiring water systems to notify multiple media sources within 24 hours for any violation. The commentators also suggest using multiple methods to notify people and notifying the public every 30 days when violations continue. The commentators’ recommendations are more stringent than Federal standards. Considering the potential health risks involved with unsafe drinking water, should the EQB adopt regulations that are more stringent than EPA requirements?

3. Section 109.1. Definitions.—Clarity.

The definition of a Consumer Confidence Report (CCR) is, “An annual water quality report that community water systems shall deliver to their customers.” This is substantive because the word “shall” is used. Since substantive provisions in a definition are not enforceable, this requirement should be moved to the body of the regulation.

4. Section 109.301. General monitoring requirements.—Clarity.

Subsection (7)(ii)(C)(V) contains a vague requirement to, “. . . meet other Tier 1 public notification requirements.” The EQB should provide a specific reference to those requirements.

5. Section 109.407. General public notification requirements.—Clarity.

Subsection (a)(9) is vague. It is unclear what “other violations and situations” the Department will determine require a public notice. Is the intent to use this provision on a case-by-case basis? What criteria will the Department use to determine the necessity of a public notice?

Subsection (b) includes the phrase “unless other tier assignments are established by regulations or order of the Department.” We have two concerns. First, the only way

to change a regulation is by promulgating a new regulation. Therefore, the language regarding regulations is not needed. Second, is the intent to issue orders on a case-by-case basis? If so, under what circumstances would an order be issued?

6. Section 109.411. Content of a public notice and Section 109.416. CCR Requirements.—Clarity.

Sections 109.411(c)(1)(ii) and 109.416(3)(iv) prohibit use of “very small print” and “small font sizes.” Commentators have noted that the requirements regarding acceptable font size are vague. Did the EQB consider specifying a minimum font size?

7. Section 109.416. CCR Requirements.—Protection of the public health; Fiscal impact; and Lesser standards.

We have two questions. First, the regulation requires CCRs to be sent to customers of a public water system. In an apartment complex, the customer is often the owner of the apartment complex, not the individual renters. In this situation, is the health of an individual renter sufficiently protected?

Second, Federal law at 42 USCA 300g-3(c)(4)(C) and (D) allows lesser standards for compliance for smaller water systems serving fewer than 10,000 persons and 500 persons respectively. The Federal law allows smaller systems to make the report available to the public upon request. Has the EQB considered adopting these lesser standards?

8. Subchapter K. Lead and Copper.—Protection of the public health.

In its comments, the EPA asked for additional clarification regarding public access to information. Specifically, the EPA is looking for assurance the public will have access to monitoring results. Has the EQB considered requiring public water systems to make raw data available to the public and how this could be accomplished?

**Environmental Quality Board Regulation No. 7-365
Heavy-Duty Diesel Emissions Control Program
December 10, 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 Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 9, 2003, the regulation will be deemed withdrawn.

Implementation.—Statutory Authority.

Section 177 of the Clean Air Act states in part:

... any State which has plan provisions approved under this part may adopt and enforce for any model year standards relating to control of emissions from new motor vehicles or new vehicle engines and take such other actions as are referred to in section 209(a) respecting such vehicles if—

(1) such standards are identical to the California standards for which a waiver has been granted for such model year, and

(2) California and such State adopt such standards at least two years before commencement of such model year (as determined by regulations of the Administrator) ...

At this point, the California Air Resource Board (CARB) has not applied for or received a waiver from the Environmental Protection Agency (EPA) to implement these standards. In accordance with Section 177 of the Clean Air Act, the EQB should not go forward with the final-form version of this regulation until a waiver has been submitted by CARB and approved by EPA.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2299. Filed for public inspection December 21, 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.

Final

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-444	State Board of Podiatry Fees	12/06/01
16A-549	State Board of Pharmacy Reference Libraries; Facsimile Machines	12/06/01

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-473	Department of Public Welfare Changes in Payment Methodology for Movable Property and Exceptional Payment for Nursing Facility Services	12/12/01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2300. Filed for public inspection December 21, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25.0% for the long term care policy forms 10955, 10967 and the associated riders. These forms were originally issued by the Transport Life Insurance Company, which later merged with Conseco Senior Health. The average premium will increase from \$1,317 to \$1,646 and will affect 1,017 Pennsylvania policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2301. Filed for public inspection December 21, 2001, 9:00 a.m.]

Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 20% for the long term care policy forms 11001, 11006 and the associated riders. These forms were originally issued by the Transport Life Insurance Company, which later merged with Conseco Senior Health. The average premium will increase from \$1,232 to \$1,478 and will affect 1,139 Pennsylvania policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2302. Filed for public inspection December 21, 2001, 9:00 a.m.]

Continental Insurance Company; Homeowners Insurance Rate and Rule Revision

On December 3, 2001, the Insurance Department (Department) received from Continental Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

Continental Insurance Company requests an overall 7.3% increase amounting to \$2.810 million annually to be effective June 1, 2002.

Unless formal administrative action is taken prior to February 1, 2002, 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 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 at 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. 01-2303. Filed for public inspection December 21, 2001, 9:00 a.m.]

Continental Insurance Company; Private Passenger Auto Insurance Rate Revision

On December 3, 2001, the Insurance Department (Department) received from Continental Insurance Company a filing for a proposed rate level change for Private Passenger Auto insurance.

The company requests an overall 8.4% increase amounting to \$7.924 million annually to be effective June 1, 2002.

Unless formal administrative action is taken prior to February 1, 2002, 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 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. 01-2304. Filed for public inspection December 21, 2001, 9:00 a.m.]

MIIX Insurance Company; Physicians and Surgeons Professional Liability; Class Plan Revisions

On December 5, 2001, the Insurance Department (Department) received from MIIX Insurance Company a filing for class plan revisions for physicians and surgeons professional liability insurance.

MIIX Insurance Company submitted a revised set of medical specialty definitions based on classifications and descriptions used by the American Board of Medical Specialties. The revised specialty definitions have been overlaid on the approved January 1, 2002, specialty rate groups resulting in an overall zero premium impact.

MIIX Insurance Company requests these revisions to be effective May 1, 2002, for new and renewal business.

Unless formal administrative action is taken prior to January 19, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS,

Insurance Department, Bureau of Regulation of Rates and Policies, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2305. Filed for public inspection December 21, 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 offices in Pittsburgh, Harrisburg and Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Duane G. Backa; file no. 01-308-72691; American Horizon Property and Casualty; doc. no. PI01-11-045; January 3, 2002, at 11 a.m.

Appeal of John R. Allison; file no. 01-308-72966; Kemper Independence Insurance Company; doc. no. PI01-11-042; January 3, 2002, at 2 p.m.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Anne Carey and Patricia Zucker Carey; file no. 01-182-08094; Donegal Mutual Insurance Company; doc. no. P01-11-043; January 16, 2002, at 10 a.m.

Appeal of Luis and Enitza Santiago-Miranda; file no. 01-188-07057; Liberty Mutual Insurance Company; doc. no. P01-11-044; January 17, 2002, at 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Corvington Antoine; file no. 01-280-05671; Leader Insurance Company; doc. no. PH01-11-050; March 15, 2002, at 11:30 a.m.

Appeal of Charlotte and James Bounassisi; file no. 01-265-05424; GE Auto and Home Assurance Company; doc. no. PH01-11-047; April 17, 2002, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured

for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2306. Filed for public inspection December 21, 2001, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurers have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. The administrative hearings will be held in the Insurance Department's regional offices in Pittsburgh and Philadelphia, PA. Failure by the appellants to appear at the scheduled hearings may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of William L. and Shirley O'Baker; file no. 01-494-91018; Erie Insurance Exchange; doc. no. E01-11-046; January 3, 2002, at 12:30 p.m.

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 Marie and Joseph DeLuca; file no. 01-267-05056; Maryland Casualty Company; doc. no. PH01-11-048; March 15, 2002, at 9:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or

their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2307. Filed for public inspection December 21, 2001, 9:00 a.m.]

Workers' Compensation Security Fund Assessment

The Insurance Department (Department) has determined through a compilation of the 2001 workers' compensation annual returns that no contributions will be required for the Workers' Compensation Security Fund (Fund) for 2001.

The Annual Returns of all insurers writing workers' compensation insurance in this Commonwealth required under section 4 of the Workers' Compensation Act (act) (77 P.S. § 1054) were submitted in response to the Department's letter dated September 21, 2001.

Section 5 of the act (77 P.S. § 1055) states, in part, "When the aggregate amount of all such payments into the Workmen's Compensation Security Fund, together with accumulated interest thereon, less all expenditures and known liabilities, becomes equal to five percentum of the loss reserves of all stock companies, mutual carriers and reciprocal exchanges for the payment of benefits under the Workmen's Compensation Law as of June thirtieth next preceding, no further contribution to said Fund shall be required to be made: . . ." The 2001 Annual Returns show aggregate loss reserves of \$5,817,550,007, 5% of which is \$290,877,500. The Fund balance of \$590,402,131, less expenditures and liabilities of \$218,478,406 as of June 30, 2001, is \$371,923,725, which is in excess of the 5% threshold.

Therefore insurers writing workers' compensation insurance in this Commonwealth will not be required to submit contributions for the Fund this year.

M. DIANE KOKEN,
Insurance Department

[Pa.B. Doc. No. 01-2308. Filed for public inspection December 21, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Potter County, Wine & Spirits Shoppe #5302, 15 West Street, Galeton, PA 16922-1204.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200

net useable square feet of new or existing retail commercial space serving the Galeton area. Site must have free customer parking and access for semitractor deliveries.

Proposals due: January 11, 2002, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: Bruce VanDyke, (412) 565-5130

Clearfield County, Wine & Spirits Shoppe #1706, 4A Ames Plaza, Philipsburg, PA 16866-3001.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving Philipsburg and surrounding communities.

Proposals due: January 11, 2002, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: Bruce VanDyke, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2512, 66 N. Main Street, Union City, PA 16438-1032.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Union City area. Site should have off-street parking and good loading facilities.

Proposals due: January 11, 2002, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: Thomas Deal, (412) 565-5130

Lawrence County, Wine & Spirits Shoppe #3706, 4 Towne Mall Shopping Center, 100 S. Jefferson Street, New Castle, PA 16101-3847.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space with free parking and rear door loading in downtown New Castle.

Proposals due: January 11, 2002, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: George Danis, (412) 565-5130

JOHN E. JONES, III

Chairperson

[Pa.B. Doc. No. 01-2309. Filed for public inspection December 21, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 14, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for transportation of property and persons). The protest shall also indicate whether it applies to temporary authority application or the permanent application or both.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers to transport household goods in use as described under the application.

A-00117540, F.2. Davcon Packing Services, Inc., t/d/b/a Davcon Relocation Services (P. O. Box 938, Brownstown, Lancaster County, PA 17508-0938), a corporation of the Commonwealth of Pennsylvania—additional right—household goods in use, between points in the county of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ronald E. Ort, t/d/b/a Ort Trucking Co.; Doc. No. A-00116716C01

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ronald E. Ort, t/d/b/a Ort Trucking Co., respondent, maintains a principal place of business at 3040 Solar Drive, Dover, PA 17315-4595.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00116716.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff

requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Ronald E. Ort, t/d/b/a Ort Trucking Co. at Docket No. A-00116716, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACORD certificates of insurance are unacceptable as evidence of insurance.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2310. Filed for public inspection December 21, 2001, 9:00 a.m.]

Telecommunications

A-310513 F7007. Sprint Spectrum L.C. and Frontier Communications of Pa. Inc. Joint Petition of Sprint Spectrum L.C. and Frontier Communications of Pa. Inc., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, Inc., and Sprint Spectrum, L.C., filed on November 20, 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 Sprint Spectrum L.C. and Frontier Communications of Pa. 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. 01-2311. Filed for public inspection December 21, 2001, 9:00 a.m.]

Telecommunications Without Hearing

A-311350 F0005; A-310935F0005. Verizon North, Inc. and Verizon Advanced Data, Inc. Consolidated Applications of Verizon North, Inc. and Verizon Advanced Data, Inc., for all approvals required under the Public Utility Code for the transactions related to the reintegration of Verizon Advanced Data, Inc., including inter alia, the transfer of assets.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 7, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Verizon North, Inc., Verizon Advanced Data, Inc.

Through and By Counsel: Norman James Kennard, Malatesta, Hawke and McKeon, LLP, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harris-

burg, PA 17105; and John S. Cullina, 1515 North Court-house Road, Arlington, VA 22201.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2312. Filed for public inspection December 21, 2001, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #0170.P, Asphalt Requirements, until 2 p.m. on Thursday, January 3, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available December 27, 2001. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 01-2313. Filed for public inspection December 21, 2001, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 9, 2002	Frances J. Kalafsky (Change of Option) Yolanda M. Schaeffer (Effective Date of Retirement)	1 p.m. 2:30 p.m.
January 16, 2002	Sherry Ann Dulsky (Purchase of Service) Gerald E. Marshall Jr. (Disability Eligibility)	1 p.m. 2:30 p.m.
January 23, 2002	Lillyan E. Koszowski (Purchase of Service) Antoinette R. Pahula (Purchase of Service)	1 p.m. 2:30 p.m.

January 30, 2002	Richard E. Phillips (Rescind Purchase of Service) Glenn A. Gow (Credited Years of Service)	1 p.m. 2:30 p.m.
February 6, 2002	Robert L. Jones (Final Average Salary) Edward F. Messa (D) (Death Benefit)	1 p.m. 2:30 p.m.
February 13, 2002	Etta Lee Nurick (Purchase of Service) James E. Barker (Purchase of Service)	1 p.m. 2:30 p.m.
February 20, 2002	Peter Povlick (Purchase of Service) April E. Dwyer (Class T-D Election)	1 p.m. 2:30 p.m.
February 25, 2002	Albert F. Gosciminski (D) (Death Benefit)	1 p.m.
February 27, 2002	Joseph S. Stroman (Credited Years of Service) Lloyd J. Reynolds (Class T-D Election)	1 p.m. 2:30 p.m.

Persons with a disability, wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 01-2314. Filed for public inspection December 21, 2001, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Environmental Firm

Archaeological Resource Investigations Susquehanna River Bridge Replacement Project Reference No. 3-148

The Turnpike Commission (Commission) will retain an environmental firm for a contract to perform archaeological resource investigations for the Susquehanna River Bridge Replacement Project. The Commission is currently performing design activities for this Project. In keeping with the most recent revisions to section 106 of the National Historic Preservation Act, the Commission has performed a Determination of the Area of Potential Effect

(APE) consultation and a Phase IA Archaeological Survey. The results of the Phase IA Archaeological Survey indicate that areas of high archaeological sensitivity exist within several portions of the APE. As a result of the Phase IA survey, potentially intact archaeological deposits have been located in the APE. The Phase IA Survey recommends continued archaeological investigations.

The selected firm will be required to perform archaeological work on Calver Island and in the east shore area of the Susquehanna River. Tasks would include field work and testing, delimitation of site boundaries and significance, and report preparation.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10% total. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation (Department) at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Commission's Contracts Administration office by calling (717) 939-9551 Ext. 4241.

The following factors will be considered by the Commission during the evaluation of the firms submitting Statements of Interest for these projects:

- Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.
- Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- The specific experience and number of individuals who constitute the firm.
- Workload of similar projects of the prime consultant and subconsultants.
- Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this solicitation should be directed to David P. Willis at (717) 939-9551, ext. 3570 or by e-mail at dwillis@paturndpike.com. Contractual questions should be directed to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Statement of Interest with the required information. The Statements of Interest must include the following:

- One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project

manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not

be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, at the Turnpike Commission Administration Building located at 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, January 11, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for this project. Technical proposals will be requested from the shortlisted firms and oral presentations will be required prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 01-2315. Filed for public inspection December 21, 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.

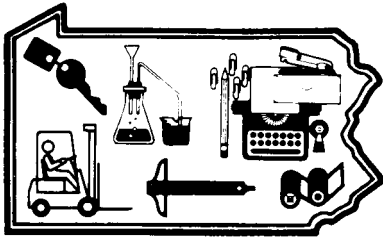
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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**

6640-05 Supplement #2 Frames and Lenses. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Cambridge Springs, PA
Duration: Contract Period: Date of Notification - 08/31/03
Contact: Vendor Services (717) 787-2199

1218111 Optical Time Domain Reflectometer. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

8506130 Auger Screws. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

2550-02 Rebid Diesel, Gasoline (New & Exchange). If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Transportation
Location: Harrisburg, PA
Duration: Contract Period 12/01/01—11/30/02
Contact: Vendor Services (717) 787-2199

8520-01 RIP & Supp #2 Toiletries. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: All Using Agencies of the Commonwealth
Duration: Contract Period: Date of Notification - 02/28/03
Contact: Vendor Services (717) 787-2199

8251290 REBID. Drum Rollers. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1201161 Carpet Tiles & Installation. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Education
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1209351 Portable Radiation Survey Instrument. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

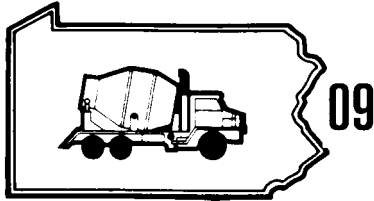
7920-06 RIP #1 Dilution Control Systems - Rebid in Part #1. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: All Using Agencies of the Commonwealth
Duration: 12/01/01—11/30/02
Contact: Vendor Services (717) 787-2199

6850-03 Water Treatment Chemicals, Air Conditioning. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: All Using Agencies of the Commonwealth
Duration: Date of Notification - 10/31/02
Contact: Vendor Services (717) 787-2199

SERVICES



Construction & Construction Maintenance

63-0173 Renovating 6 classrooms into offices and teaching labs for the School of Music in the Russell L. Sturzebecker Health Science Center. The work will be performed by 3 separate prime contractors - General Construction, Mechanical and Electrical.

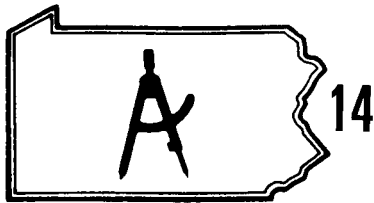
Department: State System of Higher Education
Location: Russell L. Sturzebecker Health Science Center, West Chester University, West Chester, PA.
Duration: 90 days from the issuance of the Notice to Proceed. Work must start on or before May 1, 2002 and be completed on or before July 31, 2002.
Contact: Marianne Peffall-Contracts Manager (610) 436-2705

SU-2001/12 SU-2001/12 Dauphin Humanities Center Reroof. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes removal of existing built-up roofing system and installation of a new EPDM roofing system. Prospective Bidders may obtain project plans by requesting in writing or by fax to Shippensburg University, ATTN: Deborah K. Martin, 1871 Old Main Drive, Shippensburg, PA 17257; FAX: (717) 477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on December 19, 2001 in Old Main Room 203B. Bids Due: January 8, 2002 at 4 p.m. Old Main Room 300. Public Bid Opening: January 9, 2002 at 2 in Old Main Room 203A. Contracts, MBE/WBE and Prevailing Wages Apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: 60 Days from Notice to Proceed
Contact: Deborah K. Martin (717) 477-1121

SP 3821211003 Remove existing metal booms and replace with floating plastic booms that Contractor has supplied according to specifications.

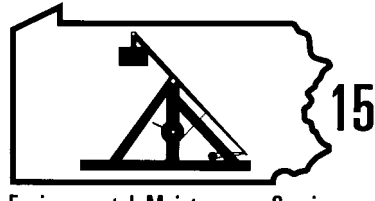
Department: Conservation and Natural Resources
Location: George B. Stevenson Dam is located in Sinnemahoning State Park.
Duration: Work is to be completed by June 30, 2002.
Contact: Gene Strick (814) 486-5622



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.

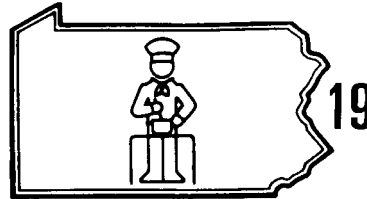
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

BOGM 01-17 Clean out and plug ninety four (94) abandoned and orphan oil and gas wells estimated to be 2,000 feet each in depth; prepare and restore well sites; and mobilize/demobilize plugging equipment. This project issues December 21, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

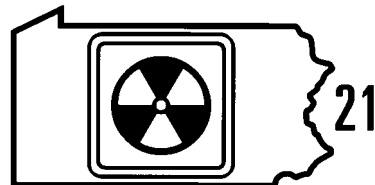
Department: Environmental Protection
Location: James H. Dippold, Rick Feronti, Jeffrey Slye, Heartwood Forestland Fund II, Pennsylvania Game Commission, Edward C. Kilgus, Department of Conservation and Natural Resources, Land Management Systems Inc., and Seneca Highlands Conservancy Inc. properties, Jones Township, Elk County
Duration: 310 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



Food

633446 Meat & Meat Products for Feb.—March 2002.

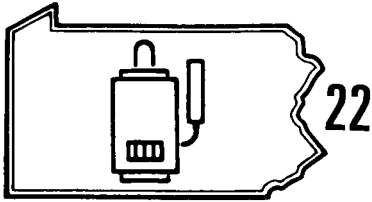
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., North Warren, PA 16365-5099
Duration: Feb.—March 2002
Contact: John Sample (814) 726-4448



Hazardous Material Services

FM-8347 Vendor to perform lead decontamination of 850 poker machines and transfer to onsite disposal receptacle.

Department: State Police
Location: Bureau of Criminal Investigation, Mayview State Hospital, 2060 William Pitt Way, Pittsburgh, PA 15238
Duration: March 2002 through June 30, 2002
Contact: Stacey Logan-Kenf (717) 705-5952



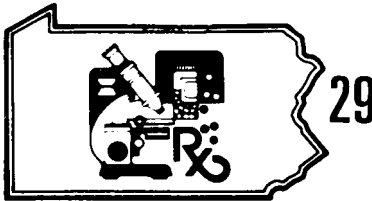
HVAC Services

165018 This will be maintenance/service to our air-conditioning and heating system. It will also include any window units.

Department: Transportation
Location: 1901 Ruffner Street, Philadelphia, PA 19140
Duration: One year with (4) one year renewals.
Contact: Jill Logue (215) 225-1415

1605 Purchase and install a ductless split system air conditioning unit for the warplans room at the PA National Guard Armory located at 1501 Allen Street, Allentown, PA 18102. For specifications and a bid packet, please fax your request to Aimmee Reiter at (717) 861-2932.

Department: Military Affairs
Location: PA National Guard Armory, 1501 Allen Street, Allentown, PA 18102
Duration: Work must be completed by 30 June 2002
Contact: Aimmee Reiter (717) 861-8519



Medical Services

20776001 To provide for the services of a psychiatric consultant to do consultations, evaluations, and recommendations to clarify diagnosis. Copies of bid can be obtained by contacting the Purchasing Department of Allentown State Hospital at (610) 740-3425 or FAX (610) 740-3424.

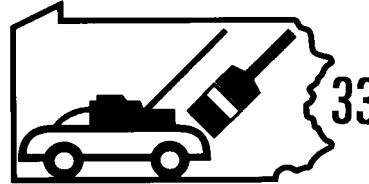
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: July 1, 2002 to June 30, 2006
Contact: Robert Mitchell (610) 740-3425

20776009 The service is for a physical therapist and physical therapy aides to provide a variety of physical therapy services to the patients. A copy of the bid proposal is available by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3425 OR FAX at (610) 740-3424.

Department: Aging
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

0290-01005 Contractor shall provide physicals and the following medical testing to an estimated 16 employees with possible high lead exposure: Blood Lead, Hemoglobin, Hematocrit, Zinc Protoporphyrin, Blood Urea Nitrogen, Serum Creatinine, Chromium, Toluene, Urinalysis, Pulmonary Function tests, Pa and Lateral Chest X-rays, complete Blood Count, Liver Function Studies and Electrocardiograms. All Services must be provided at a Facility located within 40 miles of either Maintenance Office in Lewistown or Mifflintown. Blood Lead tests must be sent to labs that are OSHA approved.

Department: Transportation
Location: SR 0022, 1200 West 4th Street, Lewistown, PA SR 3002, 1 mile East of Mifflintown, PA
Duration: 3 Years
Contact: Roger Burchfield (717) 436-2187



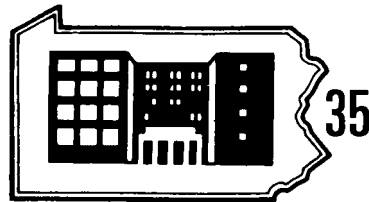
Property Maintenance

10974013 Furnish and install siding, soffit, fascia and trimwork at Bldg. #60 (House and Garage), Warren State Hospital.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 4/01/02—6/30/02
Contact: John Sample, PA III (814) 726-4448

00715-000-01-FS Installation of Fire & Security Detection System - The scope includes the removal and replacement of the existing fire and security detection system in the Commandant's Quarters at Fort Augusta, Northumberland County, including, but not limited to: the control panel, all initiating devices, all notification devices, and all related equipment. If you need directions to the site, please contact Ron Foflygen at (814) 863-7003 or Kent Steinbrunner at (717) 783-9931. All interested bidders should submit a request for a bid package in writing to: Pennsylvania Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling (717) 772-2401 OR - FAX - (717) 214-2988. All proposals are due on Monday, December 31, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

Department: Historical and Museum Commission
Location: Fort Augusta, 1150 North Front Street, Sunbury, PA 17801-1126
Duration: January 1, 2001 to
Contact: Judi Yingling (717) 772-2401



Real Estate Services

93355 LEASE WAREHOUSE, REPRODUCTION, STOREROOM, & TRUCK STORAGE FACILITY SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 46,500 useable square feet of warehouse, reproduction, storeroom, & truck storage facility space in Dauphin County, PA. with a minimum parking for 30 vehicles, with two (2) spaces meeting ADA requirements, within five (5) miles of the L&I Bldg., 7th & Forester Sts., Harrisburg, PA. Downtown locations will be considered. For more information on SFP #93355 which is due on January 28, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Jennings Ward (717) 787-7412

93351 LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the State Police with 10,360 useable square feet of office/barracks space in Juniata County, PA. with minimum parking for 48 vehicles. The offered space must be located within a 1.5 mile radius of the Arch Rock Exit of U.S. Route 322. For more information on SFP #93351 which is due on February 19, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

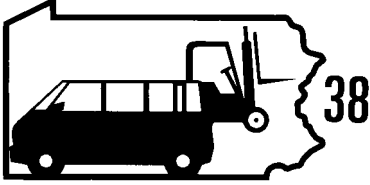
Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker (717) 787-4396

93350 LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Pennsylvania State Police with 11,516 useable square feet of office/barracks space in Northumberland/Union County, PA. with a minimum of 70 parking spaces. The offered space must be located within the following boundaries: (1) within a one (1) mile radius of Old Exit 30, I-80 or (2) within a 1.5 mile radius of the intersection of Rt. 147 & Rt. 45. For more information on SFP #93350 which is due on February 4, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker (717) 787-4396

93353 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Transportation with 50,800 useable square feet of temporary office space in Dauphin, Cumberland, Perry, or York County, PA with a minimum parking for 240 vehicles, within 8 mile radius of the City of Harrisburg. Downtown locations will be considered. For more information on SFP #93353 which is due on January 9, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

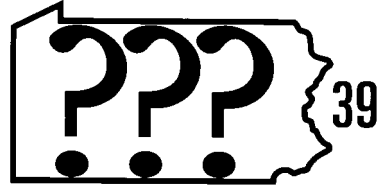
Department: Transportation
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Brad Swartz (717) 705-5764



Vehicle, Heavy Equipment and Powered Machinery Services

SP22015008 Provide on-site service/inspection and warranties maintenance for three Ideal Horizons ultraviolet water treatment equipment systems. Systems are located in Carlisle and Loganton, PA. This is a 3-year contract.

Department: Fish and Boat Commission
Location: PA Fish & Boat Commission, Huntsdale Fish Culture Station - Carlisle, PA (Cumberland County); Tylersville Fish Culture Station - Loganton, PA (Clinton County).
Duration: July 2002 through January 2005
Contact: Kathi Tibbott (814) 359-5131



Miscellaneous

ADV-148 Indiana University of Pennsylvania (IUP) will have a need for computer, office, printing and housekeeping supplies at various times during the period January 2002 thru June 30, 2002. These items will be needed to replenish stock in our Central Stores Warehouse and are as follows: HP/Canon/Epson Toner Cartridges, HP/Epson Ink/Print Cartridges, Hammermill Bond Envelopes, Copy Paper, Printing Papers and Plastic Bags (trash can liners). Requests for copies of bid packages for any of these supplies should be made in writing referencing Advertisement #ADV-148 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP, Robertshaw Bldg., 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@grove.iup.edu. In your request for copy of bid package, please indicate the specific item/s that you want to bid on. Requests for bid packages will be accepted until January 4, 2002. The University encourages responses from small and disadvantaged, minority, and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Roxie M. Johnson (724) 357-3077

ADV-147 Indiana University of Pennsylvania (IUP) is seeking bids for closet track repair parts only including sliding rail carriages and sliding door track sets for use in residence halls. Requests for copies of bid packages should be made in writing referencing Advertisement #ADV-147 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP, Robertshaw Bldg., 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@grove.iup.edu. Requests for bid packages will be accepted until January 4, 2002. The University encourages responses from small and disadvantaged, minority, and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Roxie M. Johnson (724) 357-3077

[Pa.B. Doc. No. 01-2316. Filed for public inspection December 21, 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	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0096-08	12/13/01	Boyer Printing & Binding Company	779,956.40	7920-06	12/04/01	Sanolite Cor- poration	13,921.90
5820-02 Supp #4	12/13/01	Advanced Tele- communica- tions Inc.	100,000.00	7920-06	12/04/01	The Butcher Company	51,003.20
7920-06	12/04/01	Allegheny Supply & Maintenance Company Inc.	19,795.00	7920-06	12/04/01	W W Grainger Inc.	11,684.10
7920-06	12/04/01	Buckeye Inter- national Inc.	41,160.20	7920-06	12/04/01	Xpedx—Har- risburg Divi- sion	15,864.80
7920-06	12/04/01	Customized Environmen- tal Systems Inc.	138,855.30	1079141-01	12/11/01	Firing Line Inc.	143,526.00
7920-06	12/04/01	Dickler Chemical Laboratories Inc.	61,056.00	1079141-02	12/11/01	Pennsylvania Police Sup- ply Inc.	8,430.40
7920-06	12/04/01	Ecolab Inc.	177,230.50	1094131	12/11/01	Wolfington Body Co. Inc.	35,860.00
7920-06	12/04/01	G W Seyfert Ent. Inc. t/a M J Earl Inc.	13,043.50	1097111	12/11/01	Wolfking Inc.	121,770.00
7920-06	12/04/01	Graham Dis- tributing Company Inc. d/b/a Airwick Pro- fessional Products	24,480.50	1111181	12/11/01	Fordion Pack- aging Ltd.	15,655.00
7920-06	12/04/01	Hillyard Inc.	18,961.70	1115251	12/11/01	Jerry's Sport Center Inc.	30,847.50
7920-06	12/04/01	Joseph Gdovic & Assoc.	5,222.80	1120221	12/11/01	MG Industries Div. of Messer	48,314.34
7920-06	12/04/01	Minnesota Mining & Manufactur- ing Com- pany d/b/a 3M Com- mercial Care	199,833.00	1127151	12/11/01	Moore North America Inc.	25,740.00
7920-06	12/04/01	Penna Indus- tries for the Blind & Handicapped	7,286.00	1128211-01	12/11/01	Keystone Elec- trical Supply Company Inc.	16,128.75
7920-06	12/04/01	Polychemical Industrial Products Corporation	22,292.50	1128211-02	12/11/01	Scott Electric	13,457.40
				1148151	12/11/01	Central Poly Corporation	39,300.00
				1161121	12/11/01	Corporate Ex- press Docu- ment & Print Man- agement Inc.	25,663.50
				1166041	12/11/01	Plasterer Equipment Co Inc.	77,900.00
				7314690	12/11/01	Digital Ink	39,000.00
				8251220	12/11/01	Construction Crane & Tractor Inc.	65,120.00
				8251250	12/11/01	Stephenson Equipment Inc.	15,565.00
				8251260	12/11/01	Ingersoll-Rand Equipment Sales & Ser- vices Com- pany	179,900.00

STATE CONTRACTS INFORMATION

7017

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8251330-01	12/11/01	Custom Trailer	46,028.00	8251440	12/11/01	Shaul Equip- ment & Sup- ply Com- pany Inc.	59,757.00
8251330-02	12/11/01	Pitts Trailers	40,659.00				
8251360	12/11/01	Stephenson Equipment Inc.	165,414.00	8506070	12/11/01	Rhomar Indus- tries Inc.	29,840.00
8251420	12/11/01	Highway Equipment & Supply Co.	187,914.00	8506120	12/11/01	Tri-Boro Con- struction Supplies Inc.	58,657.00
8251430	12/11/01	Lift-All East Inc. D/B/A Utility One Source	38,595.00				

KELLY P. LOGAN,
Acting Secretary

[Pa.B. Doc. No. 01-2317. Filed for public inspection December 21, 2001, 9:00 a.m.]

