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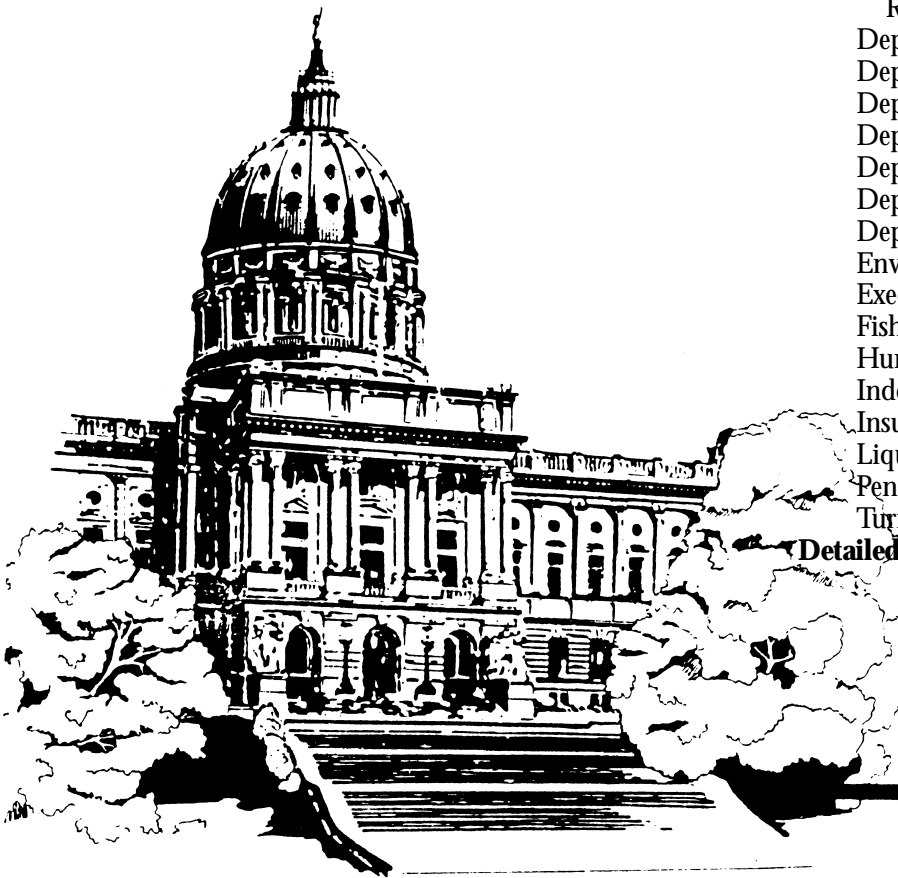
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Part I

Agencies in this issue:

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Independent Regulatory Review Commission
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Liquor Control Board
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Turnpike Commission

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No. 328, March 2002

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Adoption of W6001.2; No. 3 of 2002

Order

And Now This 1st day of March, 2002, it is *Hereby Ordered* that current Westmoreland Rules of Civil Procedure W6001.1 and W6001.2 are rescinded and that new Rule W6001 is adopted.

By the Court

CHARLES H. LOUGHRAN,
President Judge

Rule W6001. Board of Assessment Appeals; Petition and Proposed Decree.

In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the

petition for allowance of appeal shall have attached to it a photocopy of the appealed-from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide that:

(a) The appeal to the court is permitted.

(b) Within 5 days from the date of the preliminary decree, the appellant shall serve a copy of the petition and preliminary decree upon the said Board; upon the County, the municipality, and the school district in which the real estate is situate; and upon the property owner, if the owner is not the appellant. Service shall be by certified mail, return receipt requested or by hand delivery and acceptance.

[Pa.B. Doc. No. 02-454. Filed for public inspection March 22, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

INSURANCE DEPARTMENT

[25 PA. CODE CH. 977]

Underground Storage Tank Indemnification Fund; Owner and Operator Fees

The Insurance Department (Department) and the Underground Storage Tank Indemnification Board (Board) amend § 977.12 (relating to owner and operator fees) to read as set forth in Annex A. Sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) provide the Insurance Commissioner with the authority to promulgate regulations governing the enforcement of the laws relating to insurance. Public notice of this rulemaking is impractical and unnecessary because the proposed amendment is needed to ensure the solvency of the Underground Storage Tank Indemnification Fund (Fund) and any input from the public would not decrease the necessity to increase the fees collected.

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). In accordance with section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

Purpose

The final-omitted rulemaking will bring the fees to the appropriate levels as recommended by an actuarial report that was completed on October 18, 2001. After reviewing this report, the Board determined that this increase is necessary to maintain the solvency of the Fund for the public health and safety of this Commonwealth's citizens and their environment. The actuarial study, performed by MMC Enterprise Risk Consulting, Inc., determined that an increase in the gallon and capacity fees was necessary to maintain the actuarial soundness of the Fund in the future.

Explanation of Regulatory Requirements

Section 977.12 is being amended to reflect the fees that the actuary recommended in the report.

Fiscal Impact

An owner or operator transacting business in this Commonwealth will be affected by this final-omitted rulemaking. However, any fiscal impact will be minimal, as the increases still result in very low fees in relation to the benefits provided by the Fund to the owners and operators.

The costs that local governments are currently paying will increase by approximately \$79,000 per quarter. Because local governments currently pay the gallon fee to the distributor and the capacity fee directly to the Fund, the only change will be a larger fee.

Commonwealth-owned tanks are exempt from all Fund fees.

General Public

Because the public is a consumer of goods and services provided by owners and operators of an underground storage tank (UST) or a heating oil tank (HOT), any increase to the fees could result in higher prices to consumers. However, it is expected that this increase in fees will only result in an additional 4¢ per month to motorists, in accordance with a survey on vehicle fuel consumption and expenditures by United States' households, conducted by the Energy Information Administration, Office of Energy Markets and End Use.

The increase will keep the Fund solvent after an actuarial study completed in November 2001 indicated the need for additional revenue, to maintain the Fund's actuarial soundness.

Effectiveness/Sunset Date

This final-omitted rulemaking will become effective April 1, 2002.

Paperwork

Adoption of this final-omitted rulemaking should not require any significant paperwork for the owners or operators of USTs or HOTs. The paperwork necessary after the increase is expected to be the same as before the increase was implemented.

Persons Regulated

This final-omitted rulemaking applies to all owners or operators of USTs and HOTs in this Commonwealth.

Contact Person

Questions regarding the final-omitted rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on February 7, 2002, the Department submitted copies of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on February 27, 2002, this final-omitted rulemaking was deemed approved by the House and Senate Committees. The Attorney General approved the final-omitted rulemaking on February 26, 2002. Under section 5.1(e) of the Regulatory Review Act, on March 7, 2002, IRRC met and approved this final-omitted rulemaking.

Findings

The Commissioner finds that:

(1) There is good cause to amend § 977.12, effective upon publication with the proposed rulemaking omitted. Deferral of the effective date of the final-omitted rulemaking would be impractical and not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date. An

immediate effective date will best serve the public interest by ensuring that fees have the full potential that the actuarial study predicted.

(2) There is good cause to forego public notice of the intention to amend § 977.12 because notice of the amendment under the circumstances is unnecessary and impractical because the amendments proposed are necessary to ensure the solvency of the Fund and any input from the public would not decrease the necessity to increase the fees collected.

Order

The Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 25 Pa. Code Chapter 977, are amended by amending § 977.12 to read as set forth in Annex A.

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

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

(4) This order shall take effect April 1, 2002.

M. DIANE KOKEN,
Commissioner

E. BRUCE SHELLER,
*Chair, Underground Storage
Tank Indemnification Board*

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 32 Pa.B. 1590 (March 23, 2002).)

Fiscal Note: 11-214. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART VIII. UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD

CHAPTER 977. UNDERGROUND STORAGE TANK INDEMNIFICATION FUND

Subchapter B. FEES AND COLLECTION PROCEDURES

§ 977.12. Owner and operator fees.

(a) *Annual fees.* The Board may charge fees established in this section, based on an annual actuarial review.

(b) *Tank and gallon fees.* A UST owner or operator storing gasoline, new motor oil, hazardous substances, gasohol, aviation fuel, mixture, farm diesel and other types of substances based on the tank registration information maintained by the DEP may be assessed the following fees:

(1) *Tank fee.* A tank fee of \$0 per UST per year.

(2) *Gallon fee.* A gallon fee on all regulated substances entering a UST of \$.0010 per gallon (For example, 10,000 gallons at \$.0010 per gallon equals \$10).

(c) *Nonretail bulk storage.* Total fees paid by an owner or operator of a nonretail bulk storage or wholesale distribution UST storing gasoline are established using the method described in subsection (b) and are capped at \$5,000 per UST per year in accordance with section 705(d)(3) of the act (35 P. S. § 6021.705(d)(3)).

(d) *Capacity fee.* An owner or operator which stores regulated substances including diesel, heating oil, used motor oil, kerosene and unknown substances based on the tank registration information maintained by the DEP may be assessed a capacity fee of \$.02 per gallon of capacity, which amount is established in accordance with section 705(d)(2) of the act. (For example, 10,000 gallons at \$.02 per gallon equals \$200).

[Pa.B. Doc. No. 02-455. Filed for public inspection March 22, 2002, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 65]

Charter Amendments; Financial Requirements

The Insurance Department (Department) deletes Chapter 65, Subchapter C (relating to charter amendments; financial requirements) to read as set forth at 31 Pa.B. 5552 (October 6, 2001). The chapter applies to property and casualty insurers authorized to write automobile insurance coverages under section 202(c)(11) of The Insurance Company Law of 1921 (40 P. S. § 382(c)(11)) (act). The subchapter provided for the automatic amendment of existing charters and established minimum capital and surplus requirements for domestic insurers affected by the act of November 27, 1968 (P. L. 118, No. 349) (Act 349).

Purpose

The purpose of this rulemaking is to delete Subchapter C to eliminate obsolete, unnecessary regulations. Section 202 of the act delineates the underwriting authorities of various types of insurers. Act 349 consolidated the underwriting authority to write automobile bodily injury liability and automobile property damage liability insurance coverages. The regulations were adopted May 16, 1969, to implement the provisions of Act 349 with respect to insurers writing automobile insurance coverages in this Commonwealth.

Section 65.23 (relating to charters automatically amended) provided for the automatic amendment of the existing charters of insurers that were authorized to write both of the consolidated coverages and delineated the effect of Act 349 on the authority of insurers that had one of the two consolidated underwriting powers. The GAA Amendments Act of 1990 (15 P. S. §§ 21205—21207) updated the Commonwealth's business corporation laws relating to insurance companies. The updates included the repeal of provisions in the act requiring the Department's approval of charters for the creation of insurers. As a result of these updates, insurer charters are no longer required to specify underwriting authority. Therefore, §§ 65.21 and 65.22 (relating to definition of act; and authority for writing certain policies) and § 65.23 are outdated and no longer needed.

Sections 65.24—65.26 (relating to minimum paid-up capital for stock insurers; minimum surplus for mutual insurers; and determining compliance) established minimum capital and surplus requirements for mutual insurers with the authority to write automobile liability insurance. The current minimum capital and surplus requirements for these insurers are now found in sections 206 and 601 of the act (40 P. S. §§ 386 and 721). Therefore, §§ 65.24—65.26 also are outdated and no longer needed.

Statutory Authority

This final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 202, 206 and 601 of the act; and 15 Pa.C.S. §§ 21201—21208.

Comments

Notice of the proposed rulemaking was published at 31 Pa.B. 5552 with a 30-day public comment period.

No comments were received from the public or the standing committees. On December 6, 2001, the Independent Regulatory Review Commission (IRRC) notified the Department that IRRC had no objections, comments or suggestions to offer on the proposed rulemaking.

Fiscal Impact

There is no fiscal impact as a result of the deletion of the subchapter.

Paperwork

The deletion of the subchapter would impose no additional paperwork requirements on the Department or insurers.

Persons Regulated

The deletion of the subchapter affects property and casualty insurers authorized to write automobile insurance coverages in this Commonwealth.

Contact Person

Questions regarding the final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120. Questions also may be e-mailed to psalvatore@state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2001, the Department submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 5552 to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance 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 February 12, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act. The final-form rulemaking was deemed approved by IRRC effective February 13, 2002.

Findings

The Commissioner finds that:

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

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(1) The regulations of the Department, 31 Pa. Code Chapter 65, are amended by deleting §§ 65.21—65.26 to read as set forth at 31 Pa.B. 5552.

(2) The Commissioner shall submit this order and 31 Pa.B. 5552 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(3) The Commissioner shall certify this order and 31 Pa.B. 5552 and deposit them with the Legislative Reference Bureau as required by law.

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

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 32 Pa.B. 1362 (March 9, 2002).)

Fiscal Note: Fiscal Note 11-211 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-456. Filed for public inspection March 22, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 111 AND 131]

Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board and the Workers' Compensation Judges

The Department of Labor and Industry (Department), Bureau of Workers' Compensation (Bureau), proposes amendments to clarify and provide detailed guidance for practice and procedure before workers' compensation judges ("judges," formerly "referees") and the Workers' Compensation Appeal Board (the "Board," formerly, the "Workmen's Compensation Appeal Board"). The Department also proposes to amend Chapters 111 and 131 (relating to special rules of administrative practice and procedure before the Workers' Compensation Appeal Board; and special rules of administrative practice and procedure before workers' compensation judges) (Rules) to provide additional guidance for the litigation of matters before judges and the Board, and to refine existing regulations governing practices and procedures before judges and the Board.

Statutory Authority

The Department proposes these Rules under the authority contained in sections 401.1 and 435(a) and (c) of the Workers' Compensation Act (act) (77 P. S. §§ 710 and 991(a) and (c)), and section 2205 of The Administrative Code of 1929 (71 P. S. § 565), as well as section 414 of the Occupational Disease Act (77 P. S. § 1514).

Background

In 1980, the Secretary of the Department established a Rules Committee (committee) to develop rules and procedures for the workers' compensation system. The committee consisted of workers' compensation judges, as well as equal numbers of representatives of the claimant's and defense bar and representatives of the Department. This committee was reactivated in 1987 to revise the existing rules. These revisions were published in 1991 and this rulemaking is intended to amend the 1991 publication. The committee, composed of the same general representation, again met in 1996 to review the Rules because of amendments to the act. The committee wanted to incorporate legislative amendments and changes in workers' compensation jurisprudence which occurred since the 1991 publication. Since assembling in 1996, the committee has established various subcommittees to review various subchapters and specific provisions of the regulations. From 1991 to the present, the committee received written comments from various parties suggesting changes to the 1991 publication of the Rules. The commentators included members of the bar and representatives of various parties who litigate within the Pennsylvania workers' compensation system. The committee as a whole reviewed these comments and forwarded the meritorious comments to subcommittees for further review and analysis. In response, the various subcommittees issued written reports regarding the recommended changes. Thereafter, the committee as a whole drafted proposed revisions which have been incorporated into this rulemaking.

Similarly, the committee allowed interested parties an opportunity to address the committee. Since at least 1996, the committee has undertaken an outreach program through announcements and addresses at workers' compensation section meetings of the Pennsylvania Bar Association, which met at least annually. In March 1998, the committee circulated its first draft of these proposed amendments to the Rules. Additionally, the committee has met with the Workers' Compensation Advisory Council (Council). In a meeting on September 17, 1998, the committee explained to the Council the committee's purpose and the process by which it reviewed commentary or suggested regulatory amendments.

The Department previously submitted these regulations for review as a final-omitted rulemaking on November 16, 2001, and withdrew this final-omitted rulemaking on December 7, 2001.

Purpose

These proposed amendments clarify and expedite the hearing and determination of matters in the workers' compensation system and update existing regulations to ensure timely and fair disposition of matters as required by the act. The present Rules have not been comprehensively reviewed since at least 1991. Since that time, the act has been amended on at least three occasions. See the act of July 2, 1993 (P. L. 190, No. 44) (Act 44); act of February 23, 1995 (P. L. 1, No. 1) (Act 1); and the act June 24, 1996 (P. L. 350, No. 57) (Act 57). These proposed amendments incorporate changes made necessary by these legislative amendments and ensure that parties will continue to be advised of up-to-date rules for practice and procedures before judges and the Board.

Affected Persons

Those affected by these proposed amendments include workers' compensation judges, Workers' Compensation Appeal Board Commissioners and officials, employees of the Department of Labor and Industry, Bureau of Workers' Compensation and Workers' Compensation Appeal Board, and attorneys and litigants in the Pennsylvania workers' compensation system.

Fiscal Impact

There is no significant impact associated with this proposed rulemaking. However, the proposed amendments may provide the following savings to the regulated community: (1) reduced travel costs, as hearings may now take place electronically; (2) reduced copying costs, reflecting the regulations' reduced copy requirements; and (3) reduced overall litigation expenses attributable to the more expeditious process defined by the regulations.

Summary of Proposed Rulemaking

These proposed amendments clarify and provide detailed guidance for practice and procedure before workers' compensation judges and the Worker's Compensation Appeal Board.

Chapter 111

Special Rules of Administrative Practice and Procedure before the Workers' Compensation Appeal Board

The Department proposes to amend Chapter 111 by removing all references to the "Workmen's Compensation Appeal Board" and substituting "Workers' Compensation Appeal Board."

Similarly, the Department proposes to amend § 111.3 (relating to definitions) to clarify that documents are properly filed and served by mail only upon deposit in the United States mail as evidenced by a United States Postal Service postmark.

The Department proposes to amend:

Section 111.11 (relating to content and form) to provide for cross appeals.

Section 111.12 (relating to filing, service and proof of service) to provide that two copies of an appeal or a cross appeal, rather than four, must be filed with the Board.

Section 111.13 (relating to process of appeals and cross appeals) to provide for cross appeals.

Section 111.14 (relating to motions to quash) to clarify that a motion to quash may be filed within 20 days of service of the appeal or the cross appeal, and that two copies of a motion to quash, rather than four, must be filed with the Board.

Section 111.15 (relating to no other pleadings allowed) to provide for cross appeals.

Section 111.16 (relating to briefs: time for filing and content) to provide that petitioner's brief must be filed before oral argument, or, if oral argument is waived, within 30 days of the date of the Board's acknowledgment of receipt of the appeal. Also, the Department proposes to amend § 111.16 to provide that respondent's brief must be filed 30 days after oral argument, and that two copies of briefs, rather than four, must be filed with the Board.

Section 111.17 (relating to oral argument) to clarify that oral argument will be scheduled by the Secretary of the Board, rather than established by the closing of the briefing schedule. The proposed amendment also provides for cross appeals.

Section 111.18 (relating to decisions of the Board) to provide for cross appeals.

Section 111.21 (relating to form/content) to clarify that a request for supersedeas must be filed as a separate petition from the appeal, and to set forth the criteria for determining whether supersedeas is appropriate.

Section 111.22 (relating to filing) to provide that only two copies of a request for supersedeas, rather than four, must be filed with the Board. The proposed amendments also provide that a request for supersedeas shall be filed within the time set for appealing the judge's decision.

Section 111.23 (relating to answers) to provide that only two copies of an answer, instead of four, shall be filed with the Board.

Section 111.24 (relating to disposition of request for supersedeas) to clarify that the Board will rule on requests for supersedeas within 20 days of the date when the answer is due, regardless of when the answer is received.

Section 111.31 (relating to applicability) to remove references to sections 306(f) and 314 of the act (77 P. S. §§ 531(f) and 651) as these sections of the act have been amended.

Section 111.32 (relating to form/content) to provide that only two copies of petitions and requests, rather than four, must be filed with the Board.

Section 111.33 (relating to specific petitions/requirements) to remove references to section 314 of the act as this section of the act has been amended.

Section 111.34 (relating to answers to petitions) to provide that two copies of an answer, rather than four, must be filed with the Board.

Chapter 111 by removing all references to "referees" and substituting "judges." Similarly, the Department proposes to amend Chapter 111 by specifically superseding each applicable General Rule of Administrative Practice and Procedure.

Chapter 131

Special Rules for Administrative Practice and Procedure before Workers' Compensation Judges

The Department, through this proposed rulemaking, proposes to:

Amend § 131.5 (relating to definitions) to include definitions for the following terms: "Bureau record," "insurer" and "judge." In addition, this proposed rulemaking deletes the following terms: "close of the record" and "referee." The proposed amendments to this section are intended to define terms used throughout this chapter and remove definitions for terms that these amendments have eliminated in this chapter.

Amend § 131.11 (relating to filing, service and proof of service) to clarify that items required to be served upon a party must also be served upon the party's attorney in the same manner as the party is served, and that documents are properly filed and served by mail only upon deposit in the United States mail as evidenced by a United States Postal Service postmark.

Add § 131.15 (relating to computation of time). To promote consistency, these proposed amendments adopt the method of calculation currently utilized in proceedings under the General Rules of Administrative Practice and Procedure.

Add § 131.24 (relating to recusal of judge). The proposed amendments require that the judge hold a hearing regarding a motion for recusal and issue a decision within 15 days following receipt of the evidentiary hearing transcript and post-hearing submissions. The proposed amendment also provides that decisions on motions for recusal are interlocutory unless certified for immediate appeal.

Add § 131.30 (relating to consolidation) to provide a mechanism for a judge to consolidate proceedings involving a common question of law or fact and to provide for the expeditious and economical disposition of proceedings.

Amend § 131.31 (relating to form of pleadings) to clarify that all proceedings, with the exception of challenges under sections 413(c) and 413(d) of the act (77 P. S. §§ 774.2 and 774.3), shall be initiated by petition.

Amend § 131.32 (relating to petitions except petitions for joinder and challenge proceedings) to provide that petitions shall be on a Bureau petition form. In addition, these proposed amendments clarify that the number of copies required shall be as prescribed on the Bureau form. Additionally, the proposed amendments require that the facts on which a cause of action or defense is based shall be stated in a concise and summary form.

Amend § 131.33 (relating to answers except answers to petitions for joinder and challenge proceedings) to clarify that a failure to answer a claim petition within 20 days of assignment of the petition shall result in the admission of all allegations of the claim petition, and that answers must specifically admit or deny the averments of each paragraph of the petition, where applicable. The proposed amendments further clarify that all petitions other than

claim petitions may be answered within 20 days after assignment by the Bureau. Further, these proposed amendments specify the form and number of answers, as well as service requirements for answers.

Amend § 131.36 (relating to joinder) to require that the petition for joinder have attached to it a list of the dates and locations of all prior hearings held and depositions taken, to require that an original and the number of copies specified on the Bureau petition for joinder form be filed and to provide that answers to petitions for joinder may be filed within 20 days following service of the petition for joinder.

Amend this chapter to add § 131.40 (relating to frivolous pleadings) to provide a mechanism for the dismissal or other disposition of frivolous pleadings.

Amend § 131.50 (relating to return to work-modification or suspension) to clarify that the form utilized under this section shall be the form prescribed by the Bureau.

Amend § 131.52 (relating to first hearing procedures) to clarify the chapter's purpose of providing a fair and prompt hearing process, and of allowing all parties to introduce appropriate evidence and to receive a timely decision from the judge. The Department also proposes to amend § 131.52 to reaffirm that, where practicable and appropriate, the entire record shall be completed at the first hearing. The proposed amendments further provide that the procedures utilized for hearings may differ based upon a number of factors and that the process ultimately utilized in any particular case is within the discretion of the judge.

Amend § 131.53 (relating to procedures subsequent to the first hearing) to provide that a party wishing to present rebuttal or surrebuttal testimony must notify the judge within 21 days after the initial testimony is presented, instead of notifying the judge within 14 days.

Amend this chapter to add § 131.53a (relating to consolidated hearing procedure) to provide a mechanism for the implementation of expedited hearing procedures including 1 day trials. The proposed amendments further provide that trial or deposition testimony may be taken from witnesses prior to a party's obligation to conduct medical depositions.

Amend § 131.54 (relating to manner and conduct of hearings) to clarify that hearings may, at the discretion of the judge, be conducted by telephone or other electronic means if the parties do not object. The proposed amendments also provide that a witness whose identity has not been revealed as provided in this chapter will not be permitted to testify on behalf of the defaulting party unless the testimony is allowed within the judge's discretion.

Amend § 131.55 (relating to attorney fees and costs) to provide for the calculation of quantum meruit fees, objections to these fees and the issuance of decisions awarding quantum meruit fees. The proposed amendments allow applicants for quantum meruit attorney fees to submit a detailed itemized calculation of these fees. The opposing party may then respond to the request within 15 days after service of the application. A decision on the fee award will be made on the application and response submitted, if any, and the record of the case. If deemed appropriate by the judge, a hearing may be held and evidence presented. The application and response will be made exhibits and must be served upon the judge, counsel and unrepresented parties according to § 131.34(a) (relating to other filings).

Amend this chapter to add § 131.57 (relating to compromise and release agreements) which delineates procedures for the filing and approval of compromise and release agreements under section 449 of the act (77 P. S. § 1000.5). The proposed amendments also provide that proposed compromise and release agreements, including the parties' stipulations, shall be recorded on a form prescribed by the Bureau, and that the parties may attach additional information to the form if circumstances so require. The proposed amendments further provide that a pending matter may, at the request of one or more parties, be amended to a Petition to Seek Approval of a Compromise and Release Agreement. Additionally, the proposed amendments clarify that compromise and release agreements are subject to an expedited resolution, and that the judge will circulate a decision within 30 days after a hearing on the compromise and release agreement.

Add § 131.58 (relating to informal conferences) which provides procedures for requesting and participating in informal conferences. The proposed amendments provide that requests for informal conferences shall be recorded on a form prescribed by the Bureau, and shall be filed with the judge to whom a pending petition has been assigned. If no petition is pending, a petition and the request for informal conference shall be filed with the Bureau.

Amend § 131.61 (relating to exchange of information) to clarify that digital recordings, including CD ROMs and diskettes, are included in the types of information which must be exchanged prior to the first hearing. Additionally, the proposed amendments clarify the requirement that the moving party provide this information prior to the first hearing and that the respondent provide it within 45 days after the first hearing. The proposed amendments also provide that information that was not exchanged prior to the first hearing, which becomes available after the times set forth in subsection (b), must be provided within 15 days after a party's receipt of the item or information. Formerly, this section required disclosure of the material within 10 days of receipt. Finally, the proposed amendments provide that witnesses may not be permitted to testify and statements, documents or other records may be excluded if a party fails to comply with this section.

Amend § 131.62 (relating to oral depositions) to provide that the deposition of a party may only be taken upon approval of the judge and, if taken, may be used only for evidence. The proposed amendments also provide that depositions may be taken by other electronic means, in addition to the telephone, upon motion as directed by the judge, in addition to being taken upon agreement of counsel of record and unrepresented parties.

Amend § 131.63 (relating to time for taking oral depositions) to provide that a party wishing to present depositions for rebuttal or surrebuttal must notify the judge within 21 days, rather than 14 days, after the hearing or deposition at which the initial testimony was given.

Amend § 131.64 (relating to notice of oral depositions) to provide that the notice of oral deposition shall be served at least 20 days, rather than 15 days, prior to the date scheduled for the taking of the deposition and to provide notice that objections must be mailed or delivered at least 10 days, rather than 7 days, before the deposition.

Amend § 131.65 (relating to objections to taking of oral depositions) to provide that objections to an oral deposi-

tion must be served no later than 10 days, rather than 7 days, prior to the scheduled date of the deposition.

Amend § 131.81 (relating to subpoenas) to clarify that digital recordings, including CD ROMS and diskettes, are among the items subject to subpoena. The Department proposes to amend this section to provide that service of a subpoena under this section shall be made by personal service, by any form of mail requiring a return receipt, postage prepaid and restricted delivery, or by first-class United States mail as provided in § 131.11(b). Further, the Department proposes to amend this section to require that witness fees for witness testimony and travel: (1) be tendered upon the witness's demand at the time of the service of the subpoena; or (2) accompany the subpoena if served by mail. The fee for 1 day's attendance and roundtrip mileage is as prescribed in 42 Pa.C.S. §§ 5901—5988 (relating to depositions and witnesses).

Amend § 131.101 (relating to briefs, findings of fact and close of record) to set forth that the record is closed when the parties have submitted all of their evidence and rested, or when the judge has closed the evidentiary record on a party's motion or on the judge's own motion. The proposed amendments also provide that the judge may hold open the record if the judge determines that additional hearings are necessary, additional evidence needs to be submitted, or if the judge schedules additional written or oral argument, the evidentiary record may be held open by the judge. Any party may move to close the record and all other parties shall advise the judge within 20 days as to whether the evidentiary record is closed or whether there is additional evidence to be submitted. The proposed amendments further provide for certification of the record at or before the filing of proposed findings of fact, conclusions of law or briefs. The proposed amendments provide that the judge will specify the contents of the evidentiary record in the decision.

Amend § 131.102 (relating to oral argument) to clarify that a party may request oral argument any time prior to the submission of its proposed findings of fact, conclusions of law or brief. If these submissions are not filed, a party may request oral argument prior to the close of the evidentiary record.

Amend § 131.112 (relating to correction or amendment of decision) to clarify that a judge may correct an "obvious omission or error" either on the judge's motion or on the motion of one or both parties.

Amend 131.121 (relating to penalty proceedings initiated by a party) to clarify that answers may be filed as provided in § 131.33. Additionally, the proposed amendments specify that penalty proceedings may be initiated by petition or by motion on the record of a pending proceeding. Further, the proposed amendment provides that a party complaining of a violation of the act or this chapter bears the burden of proving the violation.

Amend Chapter 131 by removing all references to "referees" and substituting "judges." Similarly, the Department proposes to amend Chapter 131 by specifically superseding each applicable General Rule of Administrative Practice and Procedure.

Reporting, Recordkeeping and Paperwork Requirements

The proposed amendments do not require the creation of any new forms. Existing forms relating to practice before the Board and judges require few modifications. Therefore, the proposed amendments do not impose any additional reporting, recording or paperwork requirements on either the Commonwealth or the regulated community.

Effective Date

These proposed amendments will be effective on publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 7, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), if IRRC has objections to any portion of the proposed rulemaking, it shall notify the Department within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

Contact Persons and Public Comment

The contact persons are: (1) Elizabeth A. Crum, Director of Adjudication, Bureau of Workers' Compensation, Department of Labor and Industry, 1171 South Cameron Street, Room 324, Harrisburg, PA 17104-2501 (717) 783-5421; and (2) Susan McDermott, Chairperson, Workers' Compensation Appeal Board, 1712 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130 (215) 560-4583.

Interested persons may submit written comments to Elizabeth A. Crum, Director of Adjudication, Bureau of Workers' Compensation, Department of Labor and Industry, WCAB/WCJ Regulations Comments, P. O. Box 15121, Harrisburg, PA 17106, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Written comments received by the Department may be made available to the public.

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-61. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VII. [WORKMEN'S] WORKERS' COMPENSATION APPEAL BOARD

CHAPTER 111. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE BEFORE THE [WORKMEN'S] WORKERS' COMPENSATION APPEAL BOARD

Subchapter A. GENERAL PROVISIONS

§ 111.1. Scope [of chapter].

(a) This chapter applies to proceedings before the Board under the act and the Disease Law. [Insofar as practicable, this chapter applies to proceedings pending on or after April 8, 1989.]

(b) Subsection (a) supersedes 1 Pa. Code § 31.1 (relating to scope of part).

§ 111.2. Applicability of [general rules] General Rules of Administrative Practice and Procedure.

(a) [The General Rules of Administrative Practice and Procedure set forth in 1 Pa. Code Part II, are not applicable to the activities of and proceedings before the Board. This chapter is intended to supersede the General Rules of Administrative Practice and Procedure and establish special rules for practice before the Board.] This chapter is intended to supersede 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The General Rules of Administrative Practice and Procedure are not applicable to activities of and proceedings before the Board.

(b) [The following sections of the General Rules of Administrative Practice and Procedure are not applicable to activities of and proceedings before the Board:

(1) 1 Pa. Code § 31.4 (relating to information and special instructions).

(2) 1 Pa. Code § 31.5(c) and (d) (relating to communications and filings generally).

(3) 1 Pa. Code § 31.6 (relating to amendments to rules).

(4) 1 Pa. Code § 31.11 (relating to timely filing required).

(5) 1 Pa. Code § 31.12 (relating to computation of time).

(6) 1 Pa. Code § 31.13 (relating to issuance of agency orders).

(7) 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

(8) 1 Pa. Code § 31.15(b) (relating to extensions of time).

(9) 1 Pa. Code § 31.21 (relating to appearance in person).

(10) 1 Pa. Code § 31.22 (relating to appearance by attorney).

(11) 1 Pa. Code § 31.23 (relating to other representation prohibited at hearings).

(12) 1 Pa. Code § 31.24 (relating to notice of appearance).

(13) 1 Pa. Code § 31.25 (relating to form of notice of appearance).

(14) 1 Pa. Code § 31.27 (relating to contemptuous conduct).

(15) 1 Pa. Code § 31.28 (relating to suspension and disbarment).

(16) 1 Pa. Code § 33.2 (relating to form).

(17) 1 Pa. Code § 33.3 (relating to incorporation by reference).

(18) 1 Pa. Code § 33.4 (relating to single pleading or submittal covering more than one matter).

(19) 1 Pa. Code § 33.11 (relating to execution).

(20) 1 Pa. Code § 33.12 (relating to verification).

(21) 1 Pa. Code § 33.21 (relating to filing fees).

(22) 1 Pa. Code § 33.22 (relating to mode of payment of fees).

(23) 1 Pa. Code § 33.23 (relating to copy fees).

(24) 1 Pa. Code § 33.33 (relating to effect of service upon an attorney).

(25) 1 Pa. Code § 33.34 (relating to date of service).

(26) 1 Pa. Code § 33.41 (relating to amendments).

(27) 1 Pa. Code § 33.42 (relating to withdrawal or termination).

(28) 1 Pa. Code § 33.51 (relating to docket).

(29) 1 Pa. Code § 33.61 (relating to applications for waiver of formal requirements).

(30) 1 Pa. Code § 35.1 (relating to applications generally).

(31) 1 Pa. Code § 35.2 (relating to contents of applications).

(32) 1 Pa. Code § 35.5 (relating to form and content of informal complaints).

(33) 1 Pa. Code § 35.6 (relating to correspondence handling of informal complaints).

(34) 1 Pa. Code § 35.7 (relating to discontinuance of informal complaints without prejudice).

(35) 1 Pa. Code § 35.9 (relating to formal complaints generally).

(36) 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

(37) 1 Pa. Code § 35.11 (relating to joinder of formal complaints).

(38) 1 Pa. Code § 35.14 (relating to orders to show cause).

(39) 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver, or repeal of regulations).

(40) 1 Pa. Code § 35.19 (relating to petitions for declaratory orders).

(41) 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(42) 1 Pa. Code § 35.23 (relating to protest generally).

(43) 1 Pa. Code § 35.24 (relating to effect of protest).

(44) 1 Pa. Code § 35.27—35.30 (relating to initiation of intervention; eligibility to intervene; form and contents of petitions to intervene; and filing of petitions to intervene).

(45) 1 Pa. Code § 35.45 (relating to consolidation).

(46) 1 Pa. Code § 35.48—35.51 (relating to amendment and withdrawal of pleadings).

(47) 1 Pa. Code § 35.54 and 35.55 (relating to motions).

(48) 1 Pa. Code Chapter 35 Subchapter B (relating to hearings and conferences).

(49) 1 Pa. Code Chapter 35 Subchapter C (relating to evidence and witnesses).

(50) 1 Pa. Code Chapter 35 Subchapter D (relating to motions).

(51) 1 Pa. Code Chapter 35 Subchapter E (relating to presiding officers).

(52) 1 Pa. Code § 35.191 (relating to proceedings in which briefs are to be filed).

(53) 1 Pa. Code Chapter 35 Subchapter G (relating to proposed reports).

(54) 1 Pa. Code § 35.221 (relating to briefs and oral arguments in absence of proposed report).

(55) 1 Pa. Code §§ 35.225 and 35.226 (relating to interlocutory orders; and final orders).

(56) 1 Pa. Code §§ 35.231—35.233 (relating to reopening of record).

(57) 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

(58) 1 Pa. Code § 35.251 (relating to reports of compliance).

(c) Subsections] Subsection (a) [and (b) supersede] supersedes 1 Pa. Code § [31.1] 31.4 (relating to [scope of part] information and special instructions).

§ 111.3. Definitions.

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

Act—The [Pennsylvania Workmen’s] Workers’ Compensation Act (77 P. S. §§ 1—[1031]1041.4 and 2501—2506).

Appeal—A proceeding to review a ruling or decision by a [referee] judge.

Board—The [Workmen’s] Workers’ Compensation Appeal Board.

* * * * *

Filing—Delivery in person or by mail. If filing is by mail, it is deemed complete upon [depositing] deposit in the United States mail, [postage or charges prepaid,] as evidenced by [the] a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

Judge—A workers’ compensation judge assigned by the Bureau as provided in section 401 of the act (77 P. S. § 701) or assigned by the Bureau to determine a petition filed under the Disease Law.

* * * * *

Petitioner—Anyone seeking to review a ruling or decision by a [referee] judge or the moving party in a petition filed under Subchapter D (relating to other petitions).

Respondent—Anyone in whose favor the matter was decided by the [referee] judge or other than the moving party in any petition filed under Subchapter D.

Service—Delivery in person or by mail. If service is by mail, it is deemed complete upon [depositing] deposit in the United States mail, [postage or charges prepaid,] as evidenced by [the] a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.3, 31.11 and 33.34 (relating to definitions; timely filing required; and date of service).

Subchapter B. APPEALS

§ 111.11. Content and form.

(a) An appeal [to the Board] or cross appeal shall be filed with the Board on a form provided by the Board or on a form containing substantially the following information:

* * * * *

(5) Identification of the [referee] judge whose decision is in question, including as an attachment, a copy of that [referee’s] judge’s decision.

(6) A proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service).

(b) An appeal or a cross appeal shall be served on all parties and the [referee] judge.

* * * * *

(d) [Subsection] Subsections (a)—(c) [supersedes] supersede 1 Pa. Code §§ 31.5 [(a) and (b) and], 33.1—33.4, 33.11, 33.12, 35.17 and 35.20 [(relating to communications and filings generally; and petitions generally)].

§ 111.12. Filing, service and proof of service.

(a) An original and [four] two copies of each appeal or cross appeal shall be filed. Only the original appeal shall have attached a copy of the [referee’s] judge’s decision which is in question as required by § 111.11(a)(5) (relating to content and form).

(b) The petitioner shall serve a copy of any appeal upon all parties and the [referee] judge.

(c) The respondent shall serve a copy of any cross appeal upon all parties and the judge.

[(c)] (d) The petitioner or respondent shall, concurrently with the filing of an appeal or a cross appeal, on a form prescribed by the Board or in substantial compliance therewith, file a proof of service with the Board containing:

* * * * *

(2) The names of parties and [referee] judge served.

(3) The mailing address, the applicable zip code and the manner of service on the parties and [referee] judge served.

[(d) Subsection] (e) Subsections (a)—(d) [supersedes] supersede 1 Pa. Code §§ 31.26, 33.15, 33.21—33.23, 33.32, 33.33 and 33.35—33.37 [(relating to number of copies). Subsection (b) supersedes 1 Pa. Code § 31.26 (relating to service on attorneys). Subsection (c) supersedes 1 Pa. Code § 33.32 (relating to service by a participant). This section supersedes 1 Pa. Code §§ 33.35 and 33.36 (relating to proof of service; and form of certificate of service).]

§ 111.13. Processing of appeals and cross appeals.

(a) Upon receipt of an appeal or a cross appeal, the Board will acknowledge receipt to all parties. The date of acknowledgment will be 3 days subsequent to the date the acknowledgment is mailed.

(b) The Board will, in addition to acknowledging receipt of the appeal or the cross appeal, establish the briefing schedule and indicate that the appeal and the cross

appeal will be scheduled for oral argument unless all parties agree to submission of the case on only briefs or record.

(c) [**Subsection**] **Subsections (a) and (b) [super- sedes] supersede** 1 Pa. Code § 33.31 (relating to ser- vice by the agency).

§ 111.14. Motions to quash.

(a) A party may submit a motion to quash an appeal or a **cross appeal** within 20 days [**following receipt of the acknowledgment described in § 111.13 (relating to processing of appeals).** A motion to quash may be presented prior to the scheduling of oral argument so that the motion may be considered and decided at the time of oral argument] of service of the appeal or the cross appeal.

* * * * *

(c) A motion to quash shall be accompanied by a proof of service conforming to § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable.

* * * * *

(e) An original and [**four**] **two** copies of a motion to quash shall be filed.

(f) **Subsections (a)—(e) supersede 1 Pa. Code §§ 31.26, 33.15, 33.32, 33.33, 33.35—33.37, 35.54 and 35.55 and Chapter 35, Subchapter D.**

§ 111.15. No other pleadings allowed.

(a) Other than a motion to quash as set forth in [**this subchapter**] § 111.14 (relating to motions to quash) and a cross-appeal, as set forth in § 111.11 (relating to content and form), no answer or other pleading may be filed or considered in conjunction with an appeal or a cross appeal.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.24, 31.25, 33.41, 33.42, 33.61, 35.1, 35.2, 35.5—35.7, 35.9—35.11, 35.14, 35.18, 35.19, 35.23, 35.24, 35.27—35.30, 35.35—35.41, 35.48—35.51, 35.54, 35.55, 35.211, 35.213, 35.231, 35.241 and 35.251 [(relating to answers to complaints and petitions)].

§ 111.16. Briefs: time for filing and content.

(a) A brief on behalf of a petitioner shall be filed with the Board at or before the date of oral argument. If oral argument is waived, petitioner shall file a brief within 30 days of the date of the Board's acknowledgment of receipt of the appeal [by the Board] as set forth in § 111.13 (relating to processing of appeals and cross appeals).

(b) A brief on behalf of a respondent shall be filed with the Board [within] 30 days after [service of the brief of the petitioner] oral argument. Otherwise, the respondent shall file a brief with the Board within 60 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13.

(c) Upon request of a party, and with notice to all parties, the Board may extend or shorten the time for filing of the party's brief only for good cause shown. A party shall present a request to extend or shorten the time [in advance of] at or before the date set for filing [of] that party's brief.

* * * * *

(e) Briefs, except as otherwise allowed, shall consist of the following items, separately and distinctly set forth:

* * * * *

(5) A proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service).

(f) An original and [**four**] **two** copies of briefs shall be filed.

* * * * *

(h) [**Subsection (d) supersedes**] **Subsections (a)—(g)] supersede** 1 Pa. Code §§ 31.15 [(a)], 33.37, 35.212 and 35.221 [(relating to extensions of time)] and also supersede Chapter 35, Subchapter F. [**Subsec- tion (e) supersedes 1 Pa. Code § 35.192 (relating to content and form of briefs). Subsections (a), (b) and (e)(5) supersede 1 Pa. Code § 35.193 (relating to filing and service of briefs).**]

§ 111.17. Oral argument.

(a) The Board will schedule oral argument in every appeal or cross appeal unless all parties to [that] the appeal or cross appeal, upon receiving the acknowl- edgment of appeal or cross appeal, indicate that no oral argument is requested, or that it is waived.

(b) The Board will hear oral argument on appeals and cross appeals according to a schedule prepared in advance for each calendar year. Oral argument will be conducted in Harrisburg, Philadelphia and Pittsburgh and in other locations throughout this Commonwealth, as the Board may schedule, or, as is appropriate in the Board's judgment.

(c) Oral argument will be scheduled at the earliest possible date [following the close of the briefing schedule] under the schedule as established by the Secretary of the Board.

(d) Parties shall be advised as far in advance as possible of the date of oral argument by the acknowl- edgment of appeal or cross appeal as specified in § 111.13(b) (relating to processing of appeals and cross appeals).

* * * * *

(h) **Subsections (a)—(g) supersede 1 Pa. Code §§ 33.51, 35.204, 35.214 and 35.221.**

§ 111.18. Decisions of the Board.

(a) The decision of the Board on an appeal and a cross appeal shall be issued as promptly as possible following oral argument or the receipt of briefs, whichever occurs later.

* * * * *

(c) Decisions of the Board will be served on all parties and the [referee] judge from whose decision the appeal was taken.

(d) **Subsections (a)—(c) supersede 1 Pa. Code §§ 31.13, 31.14, 35.201—35.207 and 35.226.**

Subchapter C. SUPERSEDEAS ON APPEAL TO THE BOARD AND COURTS

§ 111.21. Form/content.

(a) A request for supersedeas shall [contain] be filed as a separate petition from the appeal and be accompanied by the following:

(1) A copy of the decision of the [referee] judge or order and opinion of the Board from which the supersedeas is requested.

* * * * *

(6) Other relevant information for the Board's consideration in determining whether the supersedeas request [.] meets the following standards:

(i) The petitioner makes a strong showing that it is likely to prevail on the merits.

(ii) The petitioner shows that, without the requested relief, it will suffer irreparable injury.

(iii) The issuance of a stay will not substantially harm other interested parties in the proceeding.

(iv) The issuance of a stay will not adversely affect the public interest.

(7) A proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable.

* * * * *

(c) [Subsection] Subsections (a) and (b) [supersedes] supersede 1 Pa. Code §§ 35.1, 35.2, 35.17, 35.190 and 35.225 [(relating to petitions generally)].

§ 111.22. Filing.

(a) A request for supersedeas shall be filed with the Board within the time allowed by law for appeal from the [referee's] judge's decision or Board order from which the supersedeas is requested.

(b) An original and [four] two copies of the request for supersedeas shall be filed. Only the original request for supersedeas shall have attached a copy of the [referee's] judge's decision or Board order from which the supersedeas is requested.

(c) A request for supersedeas not served as part of an appeal shall be served on all the parties and be accompanied by a proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable, and shall be filed within the time limits specified in subsection (a).

(d) [Subsection (b) supersedes] Subsections (a)—(c) supersede 1 Pa. Code § 33.15 (relating to number of copies).

§ 111.23. Answers.

* * * * *

(b) An original and [four] two copies of an answer shall be filed.

(c) An answer filed under this subsection shall be served on all [of the] parties.

(d) An answer filed under this subsection shall be accompanied by a proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable.

(e) [Subsection (b) supersedes] Subsections (a)—(d) supersede 1 Pa. Code §§ 33.15 [(relating to number of copies)] and [generally supersedes 1 Pa. Code §] 35.35 (relating to number of copies; and answers to complaints and petitions).

§ 111.24. Disposition of request for supersedeas.

* * * * *

(b) The Board will rule on requests for supersedeas within 20 days of the date when the answer is due [or the answer is received, whichever occurs first], or the request shall be deemed denied.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.190 and 35.225 (relating to appeals to agency head from rulings of presiding officers; and interlocutory orders).

Subchapter D. OTHER PETITIONS

§ 111.31. Applicability.

This subchapter applies to the following petitions or requests.

* * * * *

[(2) A petition for further medical expenses under section 306(f) of the act in effect prior to May 1, 1972, if applicable.]

[(3)] (2) A petition for appointment of guardian under section 307 of the act (77 P. S. § 542).

[(4)] (3) A petition alleging a meretricious relationship under section 307 of the act (77 P. S. § 562).

[(5) A request for physical examinations under section 314 of the act (77 P. S. § 651).]

[(6)] (4) A petition for commutation under section 316 of the act (77 P. S. § 604).

[(7)] (5) A petition under section 317 of the act (77 P. S. § 603).

[(8)] (6) A petition for rehearing under section 426 of the act (77 P. S. § 871).

[(9)] (7) A petition for attorney's fees under [sections] [section] 442 or 501 of the act (77 P. S. §§ 998 or 1021).

§ 111.32. Form/content.

(a) Petitions and requests shall contain and be accompanied by the following:

* * * * *

(4) An explanation as to the status of the case, including the status of a pending appeal or petition before a [referee] judge, the Board or a court.

* * * * *

(6) A proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable.

(b) Petitions and requests shall be served on all parties and on the [referee] judge if the case is pending before a [referee] judge.

(c) An original and [four] two copies of petitions and requests shall be filed.

(d) [Subsection] Subsections (a)—(c) [supersedes] supersede 1 Pa. Code §§ 31.5, 33.1—33.4, 33.11, 33.12, 33.15, 33.21—33.23, 35.1, 35.2 and 35.17 [(relating to petitions generally)].

§ 111.33. Specific petitions/requirements.

(a) [A request for physical examinations under section 314 of the act (77 P. S. § 651), in addition to the information required by § 111.32(a) (relating to form/content) shall state:

(1) The date of the last examination of claimant by or at the request of the defendant, employer, insurer or self-insurer.

(2) The name, address and specialty of the physician proposed to perform the examination.

(3) The current address of the claimant.]

[(b)] A petition for commutation under section 316 of the act (77 P. S. § 604), in addition to the information required by § 111.32(a) (relating to form/content), shall have attached to it:

* * * * *

[(c)] (b) A petition under section 317 of the act (77 P. S. § 603), in addition to the information required by § 111.32(a), shall have attached to it:

* * * * *

[(d)] (c) Subsections (a) and (b) supersede 1 Pa. Code §§ 33.15, 35.17 and 35.155 (relating to number of copies; petitions generally; and presentation and effect of stipulations).

§ 111.34. Answers to petitions.

* * * * *

(b) An original and [four] two copies of an answer shall be filed.

* * * * *

(d) An answer filed shall be accompanied by a proof of service as specified in § 111.12[(c)] (d) (relating to filing, service and proof of service), insofar as applicable.

(e) [Subsection] Subsections (a)—(d) [supersedes] supersede 1 Pa. Code §§ 33.15 and 35.35 [(relating to answers to complaints and petitions) and subsection (b) supersedes 1 Pa. Code § 33.15] (relating to number of copies; and answers to complaints and petitions).

§ 111.35. Dispositions of petitions.

* * * * *

(d) The Board may, if appropriate, or will, if required by law, refer a petition or request to a [referee] judge for conducting hearings, preparing findings or proposed orders. Thereafter, the petition or request shall, if appropriate or required, be returned to the Board.

(e) Subsections (a)—(d) supersede 1 Pa. Code Chapter 35, Subchapters B, C, E and I.

PART VIII. BUREAU OF WORKER'S COMPENSATION

CHAPTER 131. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE BEFORE [REFEREES] WORKERS' COMPENSATION JUDGES

Subchapter A. GENERAL PROVISIONS

§ 131.1. Purpose.

(a) The purpose of this chapter is to promote, consistent with fairness and due process, the orderly and

expeditious determination of proceedings before [referees] judges under the act and the Disease Law to implement the remedial intent of the act and the Disease Law.

(b) Subsection (a) supersedes 1 Pa. Code § 31.2 (relating to liberal construction).

§ 131.2. Scope.

(a) This chapter applies to proceedings before [referees] judges under the act and the Disease Law. [Insofar as practicable, this chapter applies to proceedings pending on March 30, 1991.]

(b) Subsection (a) supersedes 1 Pa. Code § 31.1 (relating to scope of part).

§ 131.3. Waiver and modification of rules.

(a) The [referee] judge may, for good cause, waive or modify a provision of this chapter upon motion of a party, agreement of all parties or upon the [referee's] judge's own motion.

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.61, 35.18, 35.54 and 35.55 [(relating to petitions for issuance, amendment, waiver or deletion of regulations)] and also supersedes 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 131.4. Applicability of [general rules] General Rules of Administrative Practice and Procedure.

(a) This chapter is intended to supersede 1 Pa. Code Part II (relating to [general rules of administrative practice and procedure] General Rules of Administrative Practice and Procedure). The [general rules of administrative practice and procedure] General Rules of Administrative Practice and Procedure [are] do not [applicable] apply to activities of and proceedings before [referees] judges.

(b) [The following sections of the general rules of administrative practice and procedure are not applicable to activities of and proceedings before referees:

(1) 1 Pa. Code § 31.4 (relating to information and special instructions).

(2) 1 Pa. Code § 31.5(c) and (d) (relating to communications and filings generally).

(3) 1 Pa. Code § 31.6 (relating to amendments to rules).

(4) 1 Pa. Code § 31.13 (relating to issuance of agency orders).

(5) 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

(6) 1 Pa. Code § 31.15(b) (relating to extensions of time).

(7) 1 Pa. Code § 31.21 (relating to appearance in person).

(8) 1 Pa. Code § 31.22 (relating to appearance by attorney).

(9) 1 Pa. Code § 31.23 (relating to other representation prohibited at hearings).

(10) 1 Pa. Code § 31.24 (relating to notice of appearance).

(11) 1 Pa. Code § 31.25 (relating to form of notice of appearance).

(12) 1 Pa. Code § 33.3 (relating to incorporation by reference).

(13) 1 Pa. Code § 33.4 (relating to single pleading or submittal covering more than one matter).

(14) 1 Pa. Code § 33.11 (relating to execution).

(15) 1 Pa. Code § 33.12 (relating to verification).

(16) 1 Pa. Code § 33.21 (relating to filing fees).

(17) 1 Pa. Code § 33.22 (relating to mode of payment of fees).

(18) 1 Pa. Code § 33.23 (relating to copy fees).

(19) 1 Pa. Code § 33.42 (relating to withdrawal termination).

(20) 1 Pa. Code § 33.51 (relating to docket).

(21) 1 Pa. Code § 33.61 (relating to applications for waiver of formal requirements).

(22) 1 Pa. Code § 35.1 (relating to applications generally).

(23) 1 Pa. Code § 35.2 (relating to contents of applications).

(24) 1 Pa. Code § 35.5 (relating to form and content of informal complaints).

(25) 1 Pa. Code § 35.6 (relating to correspondence handling of informal complaints).

(26) 1 Pa. Code § 35.7 (relating to discontinuance of informal complaints without prejudice).

(27) 1 Pa. Code § 35.11 (relating to joinder of formal complaints).

(28) 1 Pa. Code § 35.14 (relating to orders to show cause).

(29) 1 Pa. Code § 35.19 (relating to petitions for declaratory orders).

(30) 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(31) 1 Pa. Code § 35.23 (relating to protest generally).

(32) 1 Pa. Code § 35.24 (relating to effect of protest).

(33) 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

(34) 1 Pa. Code § 35.36 (relating to answers to petitions to intervene).

(35) 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

(36) 1 Pa. Code § 35.38 (relating to respondents seeking affirmative relief).

(37) 1 Pa. Code § 35.39 (relating to replies to respondents seeking affirmative relief).

(38) 1 Pa. Code § 35.40 (relating to answers to amendments of pleadings).

(39) 1 Pa. Code § 35.41 (relating to satisfaction of complaints).

(40) 1 Pa. Code § 35.45. (relating to consolidation).

(41) 1 Pa. Code §§ 35.49—35.51 (relating to amendments to conform to the evidence; directed amendments; and withdrawal of pleadings).

(42) 1 Pa. Code § 35.54 and 35.55 (relating to motions as to complaint; and motions as to answer).

(43) 1 Pa. Code § 35.101—35.106, 35.111—35.116 and 35.121—35.128.

(44) 1 Pa. Code § 35.161 (relating to form and admissibility of evidence).

(45) 1 Pa. Code § 35.165 (relating to public documents).

(46) 1 Pa. Code § 35.166 (relating to prepared expert testimony).

(47) 1 Pa. Code § 35.168 (relating to form and size of documentary evidence).

(48) 1 Pa. Code § 35.173 (relating to official notice of facts).

(49) 1 Pa. Code Chapter 35 Subchapter D (relating to motions).

(50) 1 Pa. Code Chapter 35 Subchapter E (relating to presiding officers).

(51) 1 Pa. Code Chapter 35 Subchapter G (relating to proposed reports).

(52) 1 Pa. Code Chapter 35 Subchapter H (relating to agency action).

(53) 1 Pa. Code § 35.226 (relating to final orders).

(54) 1 Pa. Code §§ 35.231—35.233 (relating to re-opening of record).

(55) 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

(56) 1 Pa. Code § 35.251 (relating to application for rehearing or reconsideration).]

Subsection (a) supersedes 1 Pa. Code § 31.4 (relating to information and special instructions).

[(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.1 (relating to scope of part).]

§ 131.5. Definitions.

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

Act—The [Pennsylvania Workmen’s] Workers’ Compensation Act (77 P. S. §§ 1—[1031] 1041.4 and 2501—2506).

* * * * *

Bureau record—Official copies of documents received by the Bureau, on forms prescribed by the Bureau, if forms prescribed by the Bureau are available, or official copies of documents received by the Bureau on forms prepared by a party if no forms prescribed by the Bureau are available, which record transactions between the parties and which are determined by the judge to pertain to the case.

* * * * *

[*Close of the record*—That date as established by the referee, of which the parties are advised, on which the record will be deemed closed.]

* * * * *

Insurer—A workers' compensation insurance carrier or self-insured employer, as applicable.

Judge—A workers' compensation judge assigned by the Bureau as provided in section 401 of the act (77 P. S. § 701) or assigned by the Bureau to determine a petition filed under the Disease Law.

* * * * *

Records of work environment—Records and documents relating to work place health, safety, hazards and exposure, including records or documents which may be obtained under the Worker and Community Right-to-Know Act (35 P. S. §§ 7301–7320) and 29 CFR 1901.1— [1928.110] 1928.1027 (relating to Occupational Safety and Health Administration, Department of Labor).

Referee—A workers' compensation referee assigned by the Bureau as provided in section 401 of the act (77 P. S. § 701) or assigned by the Bureau to determine a petition filed under the Disease Law.]

* * * * *

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.3 and 33.33 (relating to definitions; and effect of service upon an attorney) [; various sections of 1 Pa. Code Part II (relating to general rules of administrative practice and procedure); and specifically, the term "party" supersedes 1 Pa. Code § 33.33 (relating to effect of service upon an attorney)].

Subchapter B. TIME

§ 131.11. Filing, service and proof of service.

(a) Whenever filing is required by this chapter, it [will be] is deemed complete upon delivery in person or, if by mail, upon deposit in the United States Mail, as evidenced by [the] a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

(b) Whenever service is required by this chapter, it [will be] is deemed complete upon delivery in person or, if by mail, upon deposit in the United States Mail, as evidenced by [the] a United States Postal Service postmark, properly addressed, with postage or charges prepaid, except as provided in § 131.81(b) (relating to subpoenas).

(c) Any notice or other written communication required to be served upon or furnished to a party shall also be served upon or furnished to the party's attorney in the same manner as it is served upon the party.

(d) Whenever a proof of service is required by this chapter, the proof of service shall contain the following:

* * * * *

(2) The names of the [referee] judge and others served.

(3) The mailing address, the applicable zip code and the manner of service on the [referee] judge and others served.

[(d)] (e) Unless otherwise specifically provided in this chapter, whenever the filing or service is required to be made upon the Bureau, it shall be made to the principal office of the Bureau at: 1171 South Cameron Street, Harrisburg, Pennsylvania [17101] 17104-2501, (717)

783-5421, or another address and telephone number as may be published in the *Pennsylvania Bulletin*.

[(e)] (f) Subsections (a) [and (b)]—(e) supersede 1 Pa. Code §§ 31.5, 31.11, 31.13, 31.14, 31.26, 33.32 [and], 33.34–33.36 [(relating to timely filing required; service by a participant; and date of service). Subsection (c) supersedes 1 Pa. Code § 33.36 (relating to form of certificate of service)].

§ 131.12. Modification of time.

(a) Except for answers to petitions as set forth in § 131.33 (relating to answers except answers to petitions for joinder and [penalty] challenge proceedings), the time fixed or the period of time prescribed in this chapter may, in the exercise of sound discretion and for good cause, be shortened or extended by the [referee] judge upon the [referee's] judge's motion or at the request of a party.

(b) Modifications of time, other than continuances or postponements of hearings, will be governed by the following:

(1) Requests for extensions of time shall be filed at least 3 days before the time specified or as shortened or extended. Requests made within 3 days prior to the time specified or as shortened or extended may be considered if the [referee] judge is satisfied that the circumstances relating to the request occurred within those 3 days. After the expiration of the time specified, the act may be permitted to be done if reasonable grounds are shown for the failure to act within the time specified or as previously shortened or extended.

(2) Requests for extensions of time shall be made in writing and state the facts upon which the request rests. During the course of a hearing, the request may be made by oral motion to the [referee] judge.

(3) Requests for extensions of time, except those made orally at a hearing, shall be filed with the [referee] judge, served upon all parties, and a proof of service of same shall be filed with the [referee] judge.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 31.6, 31.11, 31.15 and 35.18 [(relating to timely filing required; extensions of time; and petitions for issuance, amendment, waiver or deletion of regulations)].

§ 131.13. Continuances or postponements of hearings.

* * * * *

(c) A continuance or postponement may be granted as set forth in this [subchapter] chapter for substantial or compelling reasons at the discretion of the [referee] judge, if the continuance or postponement is consistent with this chapter and its purpose of providing an orderly and expeditious determination of proceedings before [referees] judges.

* * * * *

(e) Prior to the request for a continuance or a postponement, the party requesting the continuance or postponement shall ascertain the position of all counsel of record and unrepresented parties in the case relating to the continuance or postponement and shall advise the [referee] judge of the foregoing at the time of the request.

(f) A request for a continuance or postponement made within 10 calendar days prior to the hearing date will not be considered unless the [referee] judge is satisfied that circumstances relating to the requested continuance or postponement occurred within 10 calendar days of the hearing date.

* * * * *

(h) A party requesting or confirming in writing a request for a continuance or a postponement other than a request made at a hearing shall serve a copy of the request or the confirmation upon all counsel of record, unrepresented parties and the [referee] judge. Counsel requesting or confirming in writing a request for a continuance or a postponement shall serve a copy of the request or confirmation on counsel's client.

(i) Anyone requesting a continuance or postponement shall concurrently with the service of the request or the confirmation file a proof of service with the [referee] judge.

(j) In ruling on requests for a continuance or postponement, the [referee] judge may consider one or more of the following, giving consideration to subsection (a):

* * * * *

(8) Another reason deemed to be substantial or compelling by the [referee] judge and consistent with this chapter and the purposes of the act and the Disease Law.

* * * * *

(l) If a continuance or a postponement is granted, the [referee] judge may impose conditions and direct action by the parties which the [referee] judge deems reasonable under the circumstances.

(m) In addition to the conditions and actions referred to in subsection (l), the [referee] judge may:

* * * * *

(3) Issue a written order modifying in whole or in part a supersedeas ordered or denial previously entered or modifying an order previously entered upon a showing of compliance with the directions of the [referee] judge.

(4) Issue a written order at the end of the case, in the case of a claim petition, with appropriate findings of fact, directing that interest be disallowed. The [referee] judge may limit the disallowance of interest to a specified period on good cause shown.

* * * * *

(n) Subsections (a)—(m) supersede 1 Pa. Code §§ 31.15, 33.33 and 35.102 (relating to extensions of time; effect of service upon an attorney; and hearing calendar).

§ 131.15. Computation of time.

(a) Except as otherwise provided by law, in computing a period of time prescribed or allowed by this chapter, the day of the act, event or default after which the designated period of times begins to run may not be included. The last day of the period so computed shall be included, unless it is Saturday, Sunday or a legal holiday in this Commonwealth, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. A part-day holiday shall be considered as other days and not

as a legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation.

(b) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

Subchapter C. FORMAL PROCEEDINGS

GENERAL

§ 131.21. Identifying number.

* * * * *

(b) Subsection (a) supersedes 1 Pa. Code § 31.5 [(a)], 33.1 and 33.51 (relating to communications and filings generally; title; and docket).

§ 131.22. Transfer of cases or petitions on agreement of all parties.

(a) If the transfer of the case is agreed to by the Bureau, the parties and the [referee] judge, the Bureau will promptly reassign the case or petition. Notice of reassignment will be given to all parties.

* * * * *

§ 131.24. Recusal of judge.

(a) A motion for recusal shall be addressed to the judge to whom the proceeding has been assigned. The judge will conduct an evidentiary hearing and issue a decision within 15 days following receipt of the evidentiary hearing transcript and post-hearing submissions of the parties. The decision will be interlocutory, unless the judge certifies the record for immediate appeal to the Workers' Compensation Appeal Board.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.54, 35.55, 35.186, 35.190 and 35.225 and also supersedes 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 131.30. Consolidation.

(a) Where proceedings involve a common question of law or fact, the judge may consolidate the proceedings for hearing on all matters in issue, and may make any appropriate orders concerning the conduct of the proceedings to avoid any unnecessary costs or delay.

(b) Subsection (a) supersedes 1 Pa. Code § 35.45 (relating to consolidation).

PLEADINGS

§ 131.31. Form of pleadings.

(a) [Sections 402 and 416 of the act (77 P. S. §§ 711 and 821) and sections 403 and 416 of the Disease Law (77 P. S. §§ 1503 and 1516) provide that petitions and answers shall be in the form prescribed by the Bureau.] All proceedings, except challenges under sections 413(c) and 413(d) of the act (77 P. S. §§ 774.2 and 774.3), shall be initiated by petition.

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.1 [33.2]—33.4, 33.11, 33.12 and 35.17 [(relating to title; form; and petitions generally)].

§ 131.32. Petitions except petitions for joinder and [penalty] challenge proceedings.

(a) [Proceedings, except petitions for joinder and penalty proceedings, shall be initialed by petition.] Petitions shall be in the form prescribed by the Bureau.

(b) [An original and four copies of a petition shall be filed with the principal office of the Bureau. The Bureau will serve a copy of the petition on all parties.] If the petition is filed on a Bureau petition form, an original and the number of copies specified on the petition form shall be filed with the Bureau. If there is no applicable Bureau petition form available, an original of the petition shall be filed with the Bureau. The Bureau will serve a notice of assignment specifying the judge to whom the petition has been assigned. The notice will be served on the parties named in the petition.

(c) [At the time of filing a petition,] Concurrently with filing the petition with the Bureau, the moving party shall serve a copy of the petition on all other parties, including the insurance carrier, if the insurance carrier is known, and on the attorneys of all other parties, if the attorneys are known.

(d) [Subsection (a) supersedes 1 Pa. Code § 35.17 (relating to petitions generally). Subsection (b) supersedes 1 Pa. Code § 33.37 (relating to number of copies). Subsection (c) supersedes 1 Pa. Code § 33.32 (relating service by a participant).] The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.26, 33.15, 33.21—3.23, 33.31, 33.32, 33.37, 35.1, 35.2, 35.5—35.7, 35.9—35.11, 35.14, 35.17—35.20, 35.23, 35.24 and 35.27—35.32.

§ 131.33. Answers except answers to petitions for joinder and [penalty] challenge proceedings.

(a) [Except for petitions for joinder and penalty proceedings, a responding part may file an answer within 15 days following service by the Bureau of a petition under the act and within 20 days following service by the Bureau of a petition under the Disease Law.] Failure to file an answer to a claim petition within 20 days after the date of assignment without adequate excuse shall result in the admission of all allegations in the claim petition.

(b) [An original and four copies of an answer filed, together with a proof of service, shall be filed with the referee to whom the petition has been assigned. A responding party shall serve a copy of any answer filed on unrepresented parties and on counsel of record.] A responding party may file an answer to all petitions other than claim petitions within 20 days after the date of assignment by the Bureau.

(c) [Subsection (a) supersedes 1 Pa. Code § 35.35 (relating to answers to complaints and petitions). Subsection (b) supersedes 1 Pa. Code § 33.37 (relating to number of copies).] If the answer is filed on a Bureau answer form, an original and the number of copies specified on the answer form shall be filed with the judge to whom the petition has been assigned. If there is no applicable Bureau answer form available, an original of the answer shall be filed with the judge to whom the petition has been assigned.

(d) Concurrently with filing the answer with the judge, the responding party shall serve a copy of the answer on unrepresented parties and on counsel of record.

(e) An answer shall admit or deny each averment of fact in the petition or any part of the averment to which it is responsive. A party denying only a part of the averment shall specify so much of it as is admitted and shall deny the remainder. When applicable, admissions and denials in an answer shall refer to the specific paragraph in which the averment admitted or denied is set forth.

(f) Subsections (a)—(e) inclusive supersede 1 Pa. Code §§ 33.15, 33.37, 35.35—35.41, 35.54, 35.55 and 35.161 and also supersede 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 131.34. Other filings.

(a) Unless otherwise specifically provided by this chapter, the party filing or submitting a document to the [referee] judge shall serve an original on the [referee] judge and shall serve a copy on unrepresented parties and counsel of record.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.24, 31.25, 33.42, 35.51 and 35.169 [(relating to copies to parties and agency)].

§ 131.35. Amendments to pleadings.

(a) A party has the right to amend a pleading at any time in a proceeding before a [referee] judge, unless the [referee] judge determines that another party has established prejudice as a result of the amendment.

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.41, 33.42, 35.40 and 35.48—35.51 [(relating to amendments; and amendments of pleadings generally)].

§ 131.36. Joinder.

* * * * *

(c) The petition for joinder shall have attached to it copies of petitions and answers previously filed and a list of the dates and locations of all prior hearings held and depositions taken.

(d) [A] An original and the number of copies specified on the Bureau petition for joinder form shall be filed no later than [15] 20 days after the first hearing at which evidence is received regarding the reason for which joinder is sought, unless the time is extended by the [referee] judge for good cause shown.

(e) The petition for joinder shall be filed with the Bureau and an original of any answer shall be filed with the office of the [referee] judge to whom the case [is] has been assigned.

(f) An answer to a petition for joinder may include a motion to strike the joinder and may be filed within [15] 20 days following service of the petition for joinder by the Bureau.

* * * * *

(i) After joinder, the original petition shall be deemed amended to assert a claim of the claimant against an additional defendant. The additional defendant is liable to any other party as the [referee] judge orders. The additional defendant shall have the same rights and responsibilities under this chapter as the original defendant.

(j) The [referee] judge may strike the petition for joinder, and the [referee] judge may order the severance or separate hearing of a claim presented therein, or as a result of the joinder.

(k) The [referee] judge will issue an order when the motion to strike a petition for joinder is granted.

(l) An order to strike a petition for joinder does not preclude or delay further proceedings before the [referee] judge.

(m) [Subsection (f) supersedes] Subsections (a)—(l) supersede 1 Pa. Code §§ 31.5, 33.41, 33.42, 35.11, 35.35, 35.40, 35.48—35.51, 35.54 and 35.55 [relating to answers to complaints and petitions] and also supersede 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 131.40. Frivolous pleadings.

If a judge determines after a hearing that a petition or other pleading is frivolous, the judge may, upon the judge's own motion or upon motion by a party, issue a decision dismissing the petition or pleading or issue some other decision within the judge's discretion.

SUPERSEDEAS

§ 131.41. Request for supersedeas or reconsideration of supersedeas.

(a) When a petition contains a request for supersedeas, or when a request for supersedeas is made, the [referee] judge may rule on the request only after a hearing.

(b) After a hearing, the [referee] judge may grant or deny the request for supersedeas in whole or in part. The grant or denial may be for specified or indefinite periods and may be subject to conditions that the [referee] judge orders to implement the intent of the act, Disease Law or this chapter. If a supersedeas has been granted or denied in whole or in part, the [referee] judge may, upon request and after hearing, review and modify the grant or denial as warranted.

(c) The decision of a [referee] judge on a request for or reconsideration of a supersedeas is an interlocutory order.

(d) [Subsection] Subsections (a)—(c) [supersedes] supersede 1 Pa. Code §§ 35.190 and 35.225 (relating to appeals to agency head from rulings of presiding officers; and interlocutory orders).

§ 131.42. Evidence relating to supersedeas.

(a) A party has the right to submit, and the [referee] judge may consider, one or more of the following solely in relation to a request for supersedeas.

* * * * *

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.137, 35.138, 35.161, 35.162 and 35.166.

§ 131.43. Disposition of request for supersedeas.

(a) The [referee] judge hearing the request for supersedeas [shall] will, within 14 days of the hearing, issue a written decision on the request for supersedeas, if granted. Unless a supersedeas is granted by a written order, it will be deemed denied from the date of filing of the request.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.190 and 35.225 (relating to appeals to agency head from rulings of presiding officers; and interlocutory orders).

§ 131.49. Disposition of automatic request for special supersedeas.

* * * * *

(c) The [workers' compensation] judge [shall] will approve the request for supersedeas if prima facie evidence of a change in the medical status or of any other fact which would serve to modify or terminate the payment of compensation is submitted at the hearing, unless the [employee] employee establishes by a preponderance of the evidence a likelihood of prevailing on the merits of the employee's defense. In making this determination the [workers' compensation] judge [shall] will consider the physician's affidavit alleging full recovery and may consider the following:

* * * * *

(d) If the judge to whom the special supersedeas request has been assigned fails to hold a hearing within 21 days of assignment of the request to the judge or fails to issue a written order within 7 days of the hearing of the supersedeas request, the automatic request for supersedeas [shall] will be deemed denied. The automatic request for supersedeas [shall] will remain denied until the judge issues a written order granting the supersedeas, in whole or in part.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.137, 35.138, 35.161, 35.162, 35.166, 35.190 and 35.225.

§ 131.50. Return to work-modification or suspension.

* * * * *

(b) The insurer shall complete and file [Form LIBC—751, "Notification of Suspension or Modification Pursuant to §§ 413(C) & (D)"] the form prescribed by the Bureau. The form shall be provided to the [employee, employee's] employee, employee's counsel, if known, and the [Department] Bureau within 7 days of the effective date of the suspension or modification of the workers' compensation benefits.

(c) When the insurer previously modified or suspended the [employee's] employee's benefits under section 413(c) or 413(d) of the act (77 P. S. §§ 774.2 and 774.3), to effectuate a subsequent modification or suspension of the [employee's] employee's workers' compensation benefits, the insurer shall file the form [under] specified in subsection (b), indicating the change in the [employee's] employee's wages and corresponding change in the [employee's] employee's workers' compensation benefits.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 33.33 (relating to effect of service upon an attorney).

§ 131.50a. [Employee] Employee request for special supersedeas hearing under [section] sections 413(c) and 413(d) of the act.

(a) This section governs the disposition of an [employee's] employee's request for a special supersedeas hearing made in connection with a challenge to the suspension or modification of workers' compensation benefits under [section] sections 413(c) and 413(d) of the act (77 P. S. §§ 774.2 and 774.3).

* * * * *

(c) The [workers' compensation] judge to whom the notice of challenge has been assigned will issue a written order on the challenge within 14 days of the hearing.

(d) If the judge fails to hold a hearing within 21 days or fails to issue a written order approving the suspension or modification of benefits within 14 days of the hearing, the insurer shall reinstate the employe's workers' compensation benefits at the weekly rate the employe received prior to the insurer's suspension or modification of benefits under [sections] section 413(c) or 413(d) of the act.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.161, 35.162, 35.190 and 35.225.

HEARING PROCEDURE

§ 131.52. First hearing procedures.

(a) The purpose of this chapter is to provide a fair and prompt hearing process, to allow all parties to introduce appropriate evidence and to receive a timely decision from the judge. When practicable and appropriate, the entire record relating to any petition shall be completed at the initial hearing.

(b) The hearing process may differ based upon several variables including geographic location, number of parties involved, case volume and availability of experts for testimony.

(c) The hearing process chosen in any specific case, including a determination of whether testimony will be accepted at the initial hearing, is within the discretion of the judge.

(d) The moving party, at the first hearing, shall [orally or in writing as directed by the referee,] advise the [referee] judge and opposing parties of the following:

* * * * *

(5) [The] Whether the items and information specified in § 131.61(a) (relating to exchange of [documents and records] information), which are intended to be used as evidence or exhibits, have been provided to the responding party at or before the first hearing.

* * * * *

[(b)] (e) The moving party, at the first hearing, unless otherwise directed by the [referee] judge, shall offer and have marked for identification available exhibits of the moving party.

[(c)] (f) The parties shall provide the judge with all documents required by law to be filed with the Bureau and which are relevant to issues in dispute with the same injury date and pertaining to the same claim. The [referee shall] judge will place those documents in evidence [as Bureau exhibits current Bureau documents with the same injury date and pertaining to the same claim, with the exception of the Employer's Report of Occupational Injury or Disease and pleadings of the parties] along with any other documents required to be filed by law with the Bureau or prior judges and which the judge deems relevant to the proceeding. The judge and the employee may not introduce the Employer's Report of Occupational Injury or Disease into evidence.

[(d)] (g) Evidence furnished under this section does not become part of the record, unless otherwise admissible.

[(e)] (h) Unless otherwise ordered by the [referee] judge, the moving party shall present testimony.

[(f)] (i) Subsections (a)—[(e)] (h) supersede 1 Pa. Code §§ 35.101—35.106, 35.111—35.116 [and], 35.121—35.128, 35.137, 35.138, 35.155 and 35.161—35.169. [Subsection (c) supersedes 1 Pa. Code §§ 35.164 and 35.167 (relating to documents on file with agency; and records in other proceedings).]

§ 131.53. Procedures subsequent to the first hearing.

(a) Within 45 days after the date of the first hearing actually held, the responding party shall comply with § 131.52[(a)](d) (relating to first hearing procedures) and shall submit, in writing, to the [referee] judge, with copies to counsel of record and unrepresented parties, the items and information specified in § 131.52[(a)](d).

(b) The responding party, in accordance with the directions of the [referee] judge, shall offer and have marked for identification the responding party's exhibits.

(c) The [referee] judge may issue an order directing the parties to proceed with the litigation in a manner that promotes expeditious resolution and avoids delay.

(d) A party wishing to present testimony in the form of rebuttal or surrebuttal shall notify the [referee] judge in writing within [14] 21 days after conduct of the hearing or deposition at which the testimony to be rebutted or surrebutted has been given.

* * * * *

(g) Subsections (a)—[(c)] (f) supersede 1 Pa. Code §§ 35.101—35.106, 35.111—35.116, [and] 35.121—35.128, 35.137, 35.138, 35.155 and 35.161—35.169.

§ 131.53a. Consolidated hearing procedure.

(a) One day trials or other consolidated hearing procedures may be scheduled and conducted under this part to the extent practical. The judge may waive or modify these rules as may be appropriate and adopt and direct procedures which are fair and just for a determination of the issues.

(b) Subject to § 131.3(a) (relating to waiver and modification of rules) in cases proceeding under a consolidated hearing procedure:

(1) Upon request, or on the judge's own motion, testimony from a party or witness may be taken by a trial deposition prior to the obligation of a party to conduct medical depositions, or at another appropriate time to clarify the issues.

(2) Upon request, a party shall have the opportunity to testify before the judge at the pretrial or other hearing prior to the obligation of a party to conduct medical depositions, or at another appropriate time to clarify the issues.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.101—35.106, 35.111—35.116, 35.121—35.128, 35.137, 35.138, 35.155 and 35.161—35.169.

§ 131.54. Manner and conduct of hearings.

(a) The [referee] judge will conduct [a] fair and impartial [hearing] hearings and maintain order. At the discretion of the judge, the hearings may be conducted by telephone or other electronic means if the parties do not object. Disregard by participants or counsel of record of the rulings of the [referee] judge shall be noted[,] on the record, and if the [referee] judge deems it appropriate, [shall] will be made the subject of a [special] written report[,] to the [Bureau] Bureau's Director of Adjudication together with recommendations.

(b) If the participants or counsel are guilty of disrespectful, disorderly or contumacious language or conduct in connection with a hearing, the [referee] judge may suspend the hearing or take other action as [in the discretion of] the [referee] judge [may be] deems appropriate, including the submission of a written report to the Bureau's Director of Adjudication together with recommendations.

(c) A witness whose identity has not been revealed as provided in this chapter will not be permitted to testify on behalf of the defaulting party unless the testimony is allowed within the judge's discretion.

(d) In addition to subsections (a) [and (b)]—(c), the [referee] judge may proceed under § 131.13(m) (relating to continuances or postponements of hearings).

[(d)](e) Subsections (a) [and (b)]—(d) supersede 1 Pa. Code §§ 31.21—31.23, 31.27[,] and 31.28 [and 35.189 (relating to contemptuous conduct; suspension and disbarment; and manner of conduct of hearings)] and also supersede 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers).

§ 131.55. [Attorney's] Attorney fees and costs.

(a) Under section 440 of the act (77 P. S. § 996), in a disputed claim under the act when the employer or [insurance carrier] insurer has contested liability in whole or in part, the [employee] employee or a dependent, in whose favor the proceeding has been finally decided, will be awarded attorney fees and costs against the employer or [insurance carrier] insurer, unless the employer or insurer had a reasonable basis for contesting the petition[, or otherwise tendered payment under section 440 of the act, in which case attorneys fees will not be awarded].

(b) Claimant's counsel may file an application for quantum meruit fees at or before the filing of proposed findings of fact, proposed conclusions of law and briefs, and if there are no proposed findings of fact, proposed conclusions of law or briefs requested, at or before the close of the record. The application shall detail the calculation of the fee requested, shall itemize the services rendered and time expended and shall address all factors enumerated in section 440 of the act in support of the application.

(c) Within 15 days after service of the application for quantum meruit fees, an opposing party may file a response to the application detailing the objections to the fee requested.

(d) A decision on the fee award will be made based on the application and response submitted, if

any, and the record of the case. If deemed appropriate by the judge, a hearing may be held and evidence presented.

(e) The application and response will be made exhibits of record and shall be served on unrepresented parties and counsel of record as provided in § 131.34(a) (relating to other filings).

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 35.1 and 35.2 (relating to applications generally; and contents of applications).

§ 131.57. Compromise and release agreements.

(a) Under section 449 of the act (77 P. S. § 1000.5), upon or after filing a petition, the parties may engage in a compromise and release of any and all liability which is claimed to exist under the act on account of injury or death, subject to approval by the judge after consideration at a hearing.

(b) Proposed compromise and release agreements, including the stipulations of the parties, shall be recorded on a form prescribed by the Bureau. The parties may attach additional information to the form if circumstances so require.

(c) If another petition is pending before a judge at the time of the agreement of the parties to compromise and release the claim, any party may, in writing, request the judge to schedule a hearing on the proposed compromise and release agreement. The written request will be treated as an amendment of the pending matter to a petition to seek approval of a compromise and release agreement.

(d) The judge will expedite the convening of a hearing on the compromise and release agreement. The judge will circulate a written decision on the proposed compromise and release agreement within 30 days after the hearing.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 33.42, 35.40, 35.41, 35.48—35.51, 35.101—35.106, 35.111—35.116, 35.121—35.128 and 35.155.

§ 131.58. Informal conferences.

(a) Under section 402.1 of the act (77 P. S. § 711.1), the parties upon, or after, filing a petition may agree to participate in an informal conference.

(b) All parties shall agree to participate in the informal conference.

(c) The request for the informal conference shall be recorded on a form prescribed by the Bureau and filed with the judge to whom the pending petition has been assigned.

(d) If no petition is pending, a petition and corresponding request for the informal conference shall be filed with the Bureau on a form prescribed by the Bureau.

(e) The informal conference will be governed by the instructions and procedures specified on the form prescribed by the Bureau and by section 402.1 of the act (77 P. S. § 711.1).

(f) The request shall be served on all parties and the adjudicating judge.

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 31.21—31.23 and 35.111—35.116.

EXCHANGE OF [DOCUMENTS AND RECORDS]
INFORMATION AND DEPOSITIONS AND
DISCOVERY

§ 131.61. Exchange of [documents and records] information.

(a) Parties shall exchange all items and information, including medical documents, reports, records, employment records, wage information, affidavits, tapes, films and photographs, **lists of witnesses, CD ROMs, diskettes and other digital recordings**, to be used in or obtained for the purpose of prosecuting or defending a case, unless the foregoing are otherwise privileged or unavailable, whether or not intended to be used as evidence or exhibits.

(b) **[These items and information shall be exchanged, to the extent practicable, prior to the first hearing actually held.]** The moving party shall provide **[these]** the items and information referred to in subsection (a) to the responding party or parties no later than **prior to the commencement of the first pretrial hearing or hearing actually held. [and the]** The responding party or parties shall provide **[these]** the items and information referred to in subsection (a) to the moving party no later than 45 days after the first **pretrial hearing or hearing actually held.**

(c) **A witness whose identity has not been revealed as provided in subsections (a) and (b) will not be permitted to testify on behalf of the defaulting party unless the testimony is allowed within the judge's discretion.**

(d) An item or information not exchanged **[under subsection (b)] as provided in subsections (a) and (b)**, which becomes available after the times set forth in subsection (b), shall be exchanged within **[10] 15** days after receipt by the party of the item or information.

[(d)] (e) Statements, documents or other records required to be provided by this chapter, if not provided within the time periods in this chapter or modified under § 131.12 (relating to modification of time), will not be admitted, relied upon or utilized in the proceedings or **[referee's] judge's** rulings, as appropriate.

[(e) A witness whose identity has not been revealed as provided in this chapter is not permitted to testify on behalf of the defaulting party.]

* * * * *

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 35.161 and 35.162 (relating to form and admissibility of evidence; and reception and ruling on evidence).

§ 131.62. Oral depositions.

* * * * *

(b) **The oral deposition of a party may be taken only upon approval of the judge and, if taken, may be used only as evidence.**

(c) Depositions may be taken by telephone or other **electronic means** upon agreement of counsel of record and unrepresented parties or, **upon motion, as directed by the judge.**

[(c)] (d) Subsections (a) **[and (b)]—(c)** supersede 1 Pa. Code §§ 35.145—35.152 **[(relating to depositions)]**.

§ 131.63. Time for taking oral depositions.

* * * * *

(b) Oral depositions shall be completed so as not to delay unreasonably the conclusion of the proceedings, and within a time schedule agreed upon by the parties and approved by the **[referee] judge** provided that medical depositions shall be completed as specified in subsections (c) and (e).

(c) The deposition of a medical expert testifying for the moving party shall be taken within 90 days of the date of the first hearing scheduled unless the time is extended or shortened by the **[referee] judge** for good cause shown. The deposition of a medical expert testifying for the responding party shall be taken within 90 days of the date of the deposition of the last medical expert testifying on behalf of the moving party.

(d) A party wishing to present depositions for rebuttal or surrebuttal shall notify the **[referee] judge** in writing within **[14] 21** days after the conduct of the hearing or deposition at which the testimony to be rebutted or surrebutted has been given.

* * * * *

(f) If a party fails to abide by the time limits established by this section for submitting evidence, the evidence will not be admitted, relied upon or utilized in the proceedings or **[referee] the judge's** rulings.

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 35.145—35.152, **35.161 and 35.162 [(relating to depositions)]**.

§ 131.64. Notice of oral depositions.

(a) The notice of an oral deposition shall be served at least **[15] 20** days prior to the date scheduled for the taking of the deposition.

(b) The notice of an oral deposition shall contain the following:

* * * * *

(3) A statement of a relevant reason for **the taking of the oral deposition.**

(4) The following legend:

Notice to Parties and/or Witness:

You may object to this oral deposition by mailing or delivering a letter listing your objections to (name and address of party scheduling deposition) at least **[seven (7)] 10** days before (date of deposition).

(c) The notice of an oral deposition shall be served by the party scheduling the deposition upon each witness to be deposed, counsel of record, unrepresented parties and the **[referee] judge.**

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ **33.33 and 35.145—35.152 [(relating to depositions)]**.

§ 131.65. Objections to taking of oral depositions.

(a) A party or witness may object to the oral deposition by serving, at least **[7] 10** days prior to the scheduled date of the oral deposition, a written notice upon the party who has scheduled the oral deposition, counsel of record, unrepresented parties and the **[referee] judge.** The objections shall state the specific reason supporting the objections. The objections shall stay the deposition until it is ordered to be held by the **[referee] judge.**

(b) A party or witness may request a ruling on objections by filing a written request with the [referee] judge, which shall be accompanied by a copy of the notice of an oral deposition, any subpoena and the objections lodged as required by subsection (a). The requesting party shall serve a copy of the request for ruling on counsel of record, unrepresented parties and the objecting witnesses.

(c) Upon receipt of a request for ruling, as specified in subsection (b), the [referee] judge will, after giving parties and objecting witnesses notice and opportunity to be heard by written submission, in person, or by telephone conference, as the [referee] judge may direct, rule on the objections within 5 [working] business days after the parties and objecting witnesses are heard.

(d) Subsections (a)–(c) supersede 1 Pa. Code §§ 35.145–35.152.

§ 131.66. Admissibility of oral depositions.

(a) Oral depositions taken in accordance with §§ 131.62–131.65 or upon waiver of the formal requirements of those sections by agreement of all parties, will be admissible at the time of hearing or by mail if allowed by the [referee] judge in the same manner as if the deponent appeared before the [referee] judge and testified.

(b) Objections shall be made and the basis for the objections stated at the time of the taking of the depositions. Only objections which are identified in a separate writing, introduced prior to the close of the evidentiary record, as close of the record is specified in § 131.101(c)–(e) (relating to briefs, findings of fact and close of record), and stating the specific nature of the objections and the pages where they appear in the deposition will be preserved for ruling. Objections not so preserved [will be] are waived.

(c) [Subsection] Subsections (a) and (b) [supersedes] supersede 1 Pa. Code §§ 35.126, 35.151, 35.161 and 35.162 [(relating to status of deposition as part of record; and reception and ruling on evidence)].

§ 131.67. Expenses of taking depositions.

(a) If a deposition is to be taken more than 100 miles from where the hearing is or would be scheduled, the [referee] judge may [make an] order [requiring] the payment of reasonable expenses of attorneys, not including counsel fees, to attend the deposition.

* * * * *

§ 131.68. Discovery of records.

(a) A party may schedule and take the deposition of a custodian of records or a person in a similar capacity. A party has the right to inspect and analyze the records listed in this subsection. Title 42 [of the Pennsylvania Consolidated Statutes] Pa.C.S. §§ 6151–[6159] 6160 (relating to medical records) shall be followed, if applicable. The deposition may be used to locate, authenticate and obtain copies of records which are material and relevant to the proceeding, including:

* * * * *

(b) A party may take the discovery deposition at any time after the assignment of the petition to a [referee] judge.

* * * * *

(d) The service of the notice of discovery shall conform to § 131.64(c).

* * * * *

(f) A deposition under this section shall be in the form of a written affidavit of the custodian of records as deponent without interrogation. The affidavit shall be in the form, and contain the information specified in § 131.69 (relating to form of deposition affidavit). Title 42 [of the Pennsylvania Consolidated Statutes] Pa.C.S. §§ 6151–[6159] 6160 shall be followed, if applicable.

(g) The deposition affidavit and the records or items authenticated thereby will be [eligible for admission] admissible into evidence in the proceeding before the [referee] judge in the same manner as if the deponent appeared before the [referee] judge and testified to the authenticity of the records or items.

(h) Failure to comply with this section may result in the application of §§ 131.13(m) [and], 131.61(d) and (e) (relating to continuances or postponements of hearings; and exchange of [documents and records] information).

(i) Subsections (a)–(h) supersede 1 Pa. Code §§ 35.145–35.152.

§ 131.69. Form of deposition affidavit.

(a) The deposition affidavit required by § 131.68(f) (relating to discovery of records) shall be in the following form:

DEPOSITION AFFIDAVIT [OR] OF RECORD CUSTODIAN

I, the undersigned, being duly sworn according to law, depose and say, that I am the duly authorized custodian of records for (name of hospital, doctor, employer, etc.) with the authority to certify said records, and I hereby certify to the following:

[(a)] (1) The records attached hereto are true and correct copies of the records in my custody, pertaining to [—] (claimant or decedent)[; and].

[(b)] (2) * * *

[(c)] (3) * * *

[(d)] (4) * * *

(b) Subsection (a) supersedes 1 Pa. Code § 35.149 (relating to oath and reduction to writing).

§ 131.70. Discovery of statements of parties or witnesses.

* * * * *

(d) Failure to adhere to this section may result in the application of §§ 131.13(m) [or §], 131.61(d) and (e) (relating to continuances or postponements of hearings; and exchange of [documents and records] information), as appropriate.

(e) Subsections (a)–(d) supersede 1 Pa. Code §§ 35.145–35.152.

SUBPOENAS

§ 131.81. Subpoenas.

(a) Upon written request of a party or counsel of record in a pending proceeding, the [referee] judge will issue a subpoena to compel the attendance of a witness or require the production of books, documents,

records, CD ROMs, diskettes, other digital recordings or other things relevant to the proceeding at a scheduled hearing or deposition within the scope of, and scheduled under, this chapter. **The party requesting a subpoena shall serve the judge with the original written request and shall serve a copy of the written request on unrepresented parties and counsel of record as provided in § 131.34(a) (relating to other filings).**

(b) The party, counsel of record or their respective agents requesting [the] a subpoena shall serve the subpoena upon the witness or person subpoenaed and upon opposing counsel. **Service shall be made in one of the following manners:**

(1) **By personal service under 231 Pa. Code (relating to Pennsylvania Rules of Civil Procedure).**

(2) **By any form of mail requiring a return receipt postage prepaid, restricted delivery or as provided in § 131.11(b) (relating to filing, service and proof of service).**

(3) **The fee for 1 day's attendance and roundtrip mileage shall be tendered upon demand at the time the person is served with the subpoena. If a subpoena is served by mail, a check in the amount of one day's attendance and round-trip mileage shall be enclosed with the subpoena. The fee for 1 day's attendance and roundtrip mileage is as prescribed in 42 Pa.C.S. §§ 5901—5988 (relating to depositions and witnesses).**

(c) Upon the filing of written objections by a person served with a subpoena or a party, **the judge may**, after notice to counsel of record and unrepresented parties, **[the referee may]** promptly quash or limit the scope of a subpoena issued or served.

(d) If the person fails to appear, or has given notice of the intention not to appear, as required by a subpoena duly served, the **[referee] judge** will upon request of a party, communicate to the witness the requirements of the act that the person so appear and advise the person of the enforcement provisions under section 436 of the act (77 P. S. § 992).

(e) **Subsections (a)—(d) supersede 1 Pa. Code §§ 35.139 and 35.142 (relating to fees of witnesses; and subpoenas).**

STIPULATIONS

§ 131.91. Stipulations of fact.

(a) Stipulations of fact may be filed with the **[referee] judge** to whom the case has been assigned.

(b) The **[referee] judge** may issue a decision based on stipulations of fact, if the **[referee] judge** is satisfied that:

(1) The stipulations of fact are fair and equitable to the parties involved.

* * * * *

BRIEFS, FINDINGS OF FACT, CLOSE OF RECORD AND ORAL ARGUMENT

§ 131.101. Briefs [and], findings of fact and close of record.

(a) The **[referee] judge** may require **[or]** the parties **[may]** to submit proposed findings of fact,

conclusions of law and legal briefs or memoranda to the **[referee] judge** for review and consideration.

(b) Submissions referred to in subsection (a) shall be made within the time specified by the **[referee] judge**, but not later than 30 days following the close of the record.

(c) **The evidentiary record is closed when the parties have submitted all of their evidence and rested or when the judge has closed the evidentiary record on a party's motion or the judge's own motion. If the judge determines that additional hearings are necessary, or that additional evidence needs to be submitted, or if the judge schedules additional written or oral argument, the evidentiary record may be held open by the judge. When the judge determines that the evidentiary record is closed, the judge will notify the parties that the evidentiary record is closed on the evidentiary record or in writing.**

(d) **Any party may move to close the evidentiary record and all other parties shall advise the judge within 20 days as to whether the evidentiary record is closed or whether there is additional evidence to be submitted. At the conclusion of the 20 day period, the judge will determine whether the evidentiary record will be closed or will remain open.**

(e) **A judge may close the evidentiary record on the judge's own motion even if all parties have not rested when the judge determines that the parties have had reasonable opportunity to present their case, provided that reasonable notice of the closing of the evidentiary record has been given to all parties.**

(f) **All parties shall provide a certification of the contents of the evidentiary record before the judge, including hearing dates, a list of witnesses testifying and a list of offered exhibits. The certification of the evidentiary record shall be provided to the judge after the close of the evidentiary record and at or before the filing of proposed findings of fact, conclusions of law or brief. The judge will specify the contents of the evidentiary record in the decision.**

[(c) Briefs and proposed] (g) Proposed findings of fact, proposed conclusions of law, briefs and certification of the evidentiary record not timely filed with the [referee under this section will] judge may not be considered unless, in advance of the date specified in this section, a request for an extension of time has been made to, and granted by, the [referee] judge for good cause shown. [Failure to comply with this subsection will result in disposition of the proceeding without further notice or consideration of the brief or findings of fact of the party failing to comply.]

[(d) (h) Briefs submitted under this section [may] shall consist of at least the following items[,] separately and distinctly set forth:

* * * * *

[(6) A specification of the contents of the record before the referee, including hearing dates, a list of witnesses testifying and a list of exhibits of record.]

[(e) Subsection (d)(6) supersedes] (i) Subsections (a)—(h) supersede 1 Pa. Code §§ 35.54, 35.55, 35.131—35.133, 35.163, 35.173, 35.191—35.193, 35.212, 35.221 and 35.231—35.233 [(relating to designation of relevant portions of documentary evidence)] and also supersede 1 Pa. Code Chapter 35, Subchapter D (relating to motions). [Subsections (a)—(d) supersede 1 Pa. Code §§ 35.191—35.193 (relating to briefs).]

§ 131.102. Oral argument.

(a) The **[referee] judge**, with notice to the parties, may require**[, or a party may request, a closing]** oral argument **at any time before or after [the completion of the evidentiary portion of the case]** the close of the evidentiary record. A party may request oral argument at any time prior to the submission of their proposed findings of fact, proposed conclusions of law or brief. If no proposed findings of fact, proposed conclusions of law or brief are filed, a party may request oral argument prior to the close of the evidentiary record.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.204, 35.214 and 35.221 (relating to oral argument before presiding officer; oral argument on exceptions; and briefs and oral argument in absence of proposed report).

DECISIONS

§ 131.111. Decision of judges.

(a) Following the close of the **evidentiary record and the hearing of oral argument, if any, as provided in § 131.102(a) (relating to oral argument)**, the **[referee] judge** will issue a written decision, which will contain findings of fact, conclusions of law and an appropriate order based upon the entire **evidentiary** record.

(b) The decision of the **[referee] judge** will be a final order, subject to correction or amendment under § 131.112 (relating to correction or amendment of decision), or appeal.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 31.13 **[and]**, 31.14, 35.190, 35.201—35.207, 35.225, 35.226 and 35.241 **[(relating to issuance of agency orders; and effective dates of agency orders)]**.

§ 131.112. Correction or amendment of decision.

(a) A decision or an order of a **[referee] judge** may be amended or corrected by the **[referee] judge** subsequent to the service of notice of the decision and order. A typographical or clerical error **or obvious omission or error on the part of the judge** may be corrected on the **[referee's] judge's** motion or on the motion of one or both parties. Other amendments or corrections will be made only upon written agreement **[to]** of the parties. A request **for correction or amendment** shall be made within 20 days of the date of service of notice of the decision and order.

(b) The corrected decision and orders will specifically set forth the items in the prior decision and order which are being corrected and amended, and will contain the **following provision [that]**: "In all other respects the prior decision and order in the case are hereby reaffirmed."

(c) Neither the request for correction nor the corrected decision and order will extend the appeal period of the

original decision and order **[or of a portion of the original decision and order not corrected]** as to any part of that decision and order which is not the subject of the request for correction or amendment.

(d) Subsections (a) **[and (b)]—(c)** supersede 1 Pa. Code §§ 31.13, 31.14, 35.54, 35.55, 35.190 and 35.211—35.214 **[(relating to issuance of agency orders)]** and also supersede 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

PENALTY PROCEEDINGS

§ 131.121. Penalty proceedings [in pending cases] initiated by a party.

(a) Penalty proceedings **may be initiated by a party [in a pending proceeding may be initiated by]** filing a petition **[or a motion on the record in the pending proceeding]** for penalties as provided in § 131.32 (relating to petitions except petitions for joinder and challenge proceedings).

(b) **Penalty proceedings initiated by a party in a pending proceeding may be initiated by a petition under subsection (a) or by motion on the record in the pending proceeding.** If penalties are requested by motion on the record, an answer may be made either orally on the record or as provided in subsection (a).

(c) If, in a pending proceeding where no separate penalty petition has been filed in accordance with **[this part]** subsection (a), it **[is alleged by a party or it]** appears to the **[referee] judge** in proceedings before the **[referee] judge** that there has been noncompliance with the act or this chapter, the **[referee] judge** will schedule a hearing for the purpose of determining if noncompliance has occurred **unless the hearing is waived by the parties.** The hearing will be scheduled either upon motion of a party or on the **[referee's] judge's** own motion **unless waived.**

[(c)] (d) The [referee] judge will give notice of the scheduling of **[a] any** penalty hearing to all parties and this notice will specify the nature of the penalty proceeding and that the hearing will involve the question of the imposition of penalties under the act or this chapter.

[(d)] (e) The penalty hearing may be conducted in conjunction with a hearing on the merits in a pending proceeding or at a separate hearing.

[(e)] (f) At the penalty hearing, the [referee] judge will take testimony, receive evidence and hear arguments necessary to create a record sufficient to support, defend or appeal the decision of the **[referee] judge** regarding noncompliance with the act or this chapter and the imposition of penalties.

(g) A party complaining of a violation of the act or this chapter shall have the burden of proving the violation.

(h) The [referee] judge, in a separate order prior to a final order or in conjunction with the final decision in the proceeding, will rule on the request for penalties and will determine whether noncompliance with the act or this chapter exists, and, if appropriate, impose penalties.

[(g)] (i) Subsections [(b)—(e)] (a)—(h) supersede 1 Pa. Code §§ 35.1, 35.2, 35.5—35.7, 35.9 **[, and 35.10]—**

35.11, 35.14, 35.17—35.20, 35.23, 35.24, 35.35—35.41, 35.54, 35.55 and 35.251 [(relating to formal complaints generally; and form and content of formal complaints)] and also supersede 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

§ 131.122. Other penalty proceedings.

(a) Penalty proceedings not conducted under § 131.121 (relating to penalty proceedings **[in pending cases] initiated by a party**) will be conducted in accordance

with other applicable regulations **[in this part] of the Bureau.**

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.14, 35.37 and 35.251 (relating to orders to show cause; answers to orders to show cause; and reports of compliance).

[Pa.B. Doc. No. 02-457. Filed for public inspection March 22, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Police

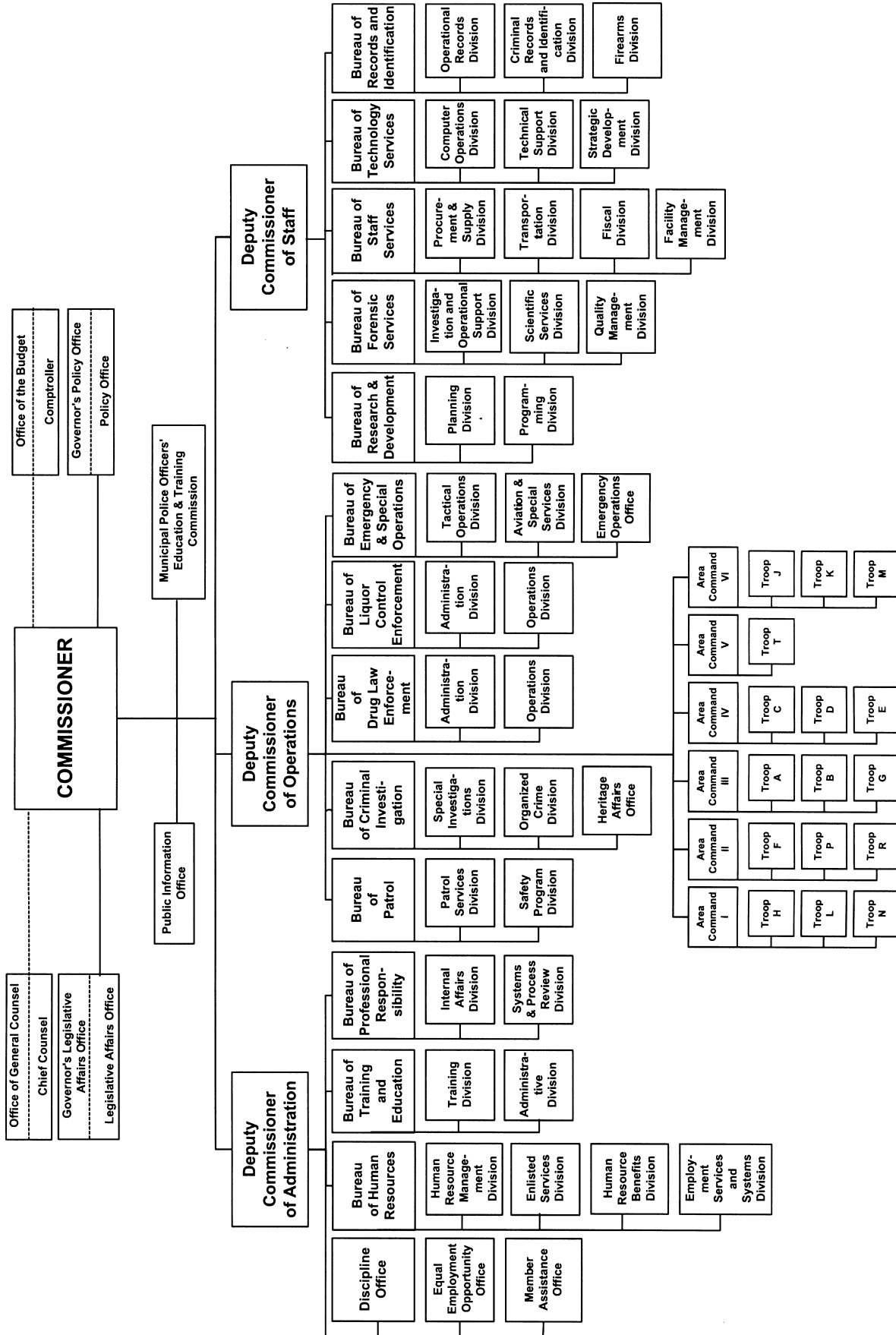
The Executive Board approved a reorganization of the State Police effective March 12, 2002.

Management Directive 260.1, Organization Requests, Section 4.f., authorizes the Secretary of Administration to rename organizational titles. See 32 Pa.B. 1540 (March 23, 2002).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 02-458. Filed for public inspection March 22, 2002, 9:00 a.m.]

PENNSYLVANIA STATE POLICE



NOTICES

DEPARTMENT OF AGRICULTURE

Referendum on Continuation of the Pennsylvania Apple Marketing Program

I. The Pennsylvania Apple Marketing Program (program) was established under the provisions of the Agricultural Commodities Marketing Act of 1968 (act) (3 P. S. §§ 1001—1012). The act requires that the Secretary call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 1997. It is now time for another review referendum to determine whether a majority of the apple producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be April 1, 2002, until 4 p.m. on April 15, 2002. Completed ballots shall be mailed or hand-delivered to the Department of Agriculture, Bureau of Market Development, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 15, 2002. Ballots that are mailed must be postmarked no later than April 15, 2002, and received no later than April 20, 2002.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 29, 2002, to all affected producers whose names appear on the list of Commonwealth apple producers maintained in the Office of the Secretary. Additional copies of the same

materials shall be made available at the Office of the Secretary.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows. The record date for determination of whether a producer is eligible to vote is March 15, 2002. All apple producers who grow 500 or more apple trees of all ages are eligible to vote.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary. The counting of the ballots will begin at 10 a.m., Thursday, April 25, 2002, in the State Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary not later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the Harrisburg *Patriot News*.

VIII. *Effective Date:* The order shall be effective as of March 11, 2002.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 02-459. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, 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 March 12, 2002.

BANKING INSTITUTIONS

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 3-5-02 | Berkshire Bank Wyomissing Berks County <i>Correspondents:</i> David L. Gildernew, Esq. John K. Black Shumaker Williams, P.C. P. O. Box 88 Harrisburg, PA 17108 | Wyomissing | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 2-27-02 | Commonwealth Bank Norristown Montgomery County | ShopRite Supermarket 3745 Aramingo Ave. Philadelphia Philadelphia County | Opened |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 3-8-02 | Northwest Savings Bank Warren Warren County | 355 Biddle Street Kane McKean County (Drive-Up Facility) | Filed |
| 3-11-02 | WNB Bank Williamsport Lycoming County | 24 N. Cedar Street Lititz Lancaster County | Approved |
| 3-12-02 | Keystone Savings Bank Bethlehem Northampton County | 2985 MacArthur Road Whitehall Township Lehigh County | Approved |
| 3-12-02 | Keystone Savings Bank Bethlehem Northampton County | Route 248 and Newburg Road Palmer Township Northampton County | Approved |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 3-8-02 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | 1126 Kennebec Dr. Chambersburg Franklin County | Effective |
| 3-12-02 | Farmers First Bank Lititz Lancaster County | 22 W. Main Street Ephrata Lancaster County | Approved |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|---|--|------------------------|
| 3-7-02 | Beneficial Mutual Savings Bank Philadelphia Philadelphia County | Amendment provides for a change in the principal place of business from 1200 Chestnut Street to 510 Walnut Street, both addresses in Philadelphia, PA. | Approved and Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.
Secretary

[Pa.B. Doc. No. 02-460. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; 2001 Annual Performance Report Availability

The Department of Community and Economic Development (Department) makes available for public review, the 2001 Annual Performance Report (APR) for the Commonwealth's Consolidated Plan. The 2001 APR reports on activities that were outlined in the Consolidated Plan for Federal fiscal years 2000—2004 as well as the Action Plan for 2001. The APR describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in Federal fiscal year 2001. This report will be submitted to the United States Department of Housing and Urban Development (HUD) by March 31, 2002.

Copies of the draft APR will be available for public comment from March 25, 2001, through March 30, 2001, at the following locations. The final APR will be made available again at the same locations, following approval by HUD.

County Commissioners—A copy will be sent to the Chairperson of each County Board of Commissioners.

The Tri-County Branch of the Pennsylvania Association of the Blind (on audio cassette)

Patricia Summers, Coordinator
Harrisburg Area Radio Reading Service
1800 N. Second Street
Harrisburg, PA 17102
(717) 238-2531

Department Regional Offices

| | |
|--|--|
| Southwest Regional Office 413 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222 (412) 565-5002 | Northeast Regional Office 201 Samters Building 101 Penn Avenue Scranton, PA 18503 (717) 963-4571 |
|--|--|

Northwest Regional Office
Third Floor, Rothrock
Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Southeast Regional Office
908 State Office Building
Broad and Spring Garden
Streets
Philadelphia, PA 19130
(215) 560-2256

Northcentral and South-
central Regional Offices
576 Forum Building
Harrisburg, PA 17120
(717) 787-2412

This Commonwealth's 27 District Libraries

B.F. Jones Memorial Library, Aliquippa
Allentown Public Library, Allentown
Altoona Area Public Library, Altoona
Centre County Library, Bellefonte
Bethlehem Area Public Library, Bethlehem
Clarion Free Library, Clarion
Conococheague District Library, Chambersburg
Bucks County Free Library, Doylestown
Easton Area Public Library, Easton
Erie County Library, Erie
Dauphin County Library, Harrisburg
Cambria County Library, Johnstown
Lancaster County Library, Lancaster
Delaware County Library, Brookhaven
Monessen Public Library, Monessen
New Castle Public Library, New Castle
Montgomery County-Norristown Public Library, Norristown
Free Library of Philadelphia, Philadelphia
Carnegie Library of Pittsburgh, Pittsburgh
Pottsville Free Public Library, Pottsville
Reading Public Library, Reading
Scranton Public Library, Scranton
Warren Public Library, Warren
Citizens Library, Washington
Chester County Library, Exton
Osterhout Free Library, Wilkes-Barre
James V. Brown Library, Williamsport

Submit written comments concerning the APR to Gary R. Thomas, Compliance Manager, Office of Community Development and Housing, Center for Community Building, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, fax (717) 214-5399. Written comments must be received by March 30, 2002.

Persons with a hearing disability who wish to review the APR should notify the Department and accommodations will be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 02-461. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities for July 1, 2002—June 30, 2003

These services are designed to strengthen the Adult Basic and Literacy Education (ABLE) programs operated

by the Department of Education (Department), Bureau of Adult Basic and Literacy Education (Bureau) by providing Statewide support for leadership activities in Title II of the Workforce Investment Act described in the Unified State Plan 1999-2005.

I. Authorization

A. Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency.

2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children.

3. Assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies (LEAs) and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with an LEA or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act for Program Year 2002-2003, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12.5% of the State's allotment shall be used for State Leadership Activities.

2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau.

Letters of intent are due April 12, 2002, and applications are due May 1, 2002.

Note: The Bureau reserves the right to consider proposals received after the deadlines, and if appropriate, to approve them if and when funds become available.

II. Application Procedures and Program Guidelines.

A letter of intent is due at the Bureau by April 12, 2002. The letter of intent should state the priority number and a one-sentence description of the proposed project. Applications for State Leadership funds must be completed on-line and submitted via the e-grant website at <http://www.e-grants.ed.state.pa.us> to the Bureau. Instructions and the application guidelines are available via the Bureau website at www.paadulted.org and via the e-grant sites. Faxes will not be accepted.

III. Funds for State Leadership activities are made available under section 222(a)(2) for one or more of the following activities. Specific priorities that support these activities for program year 2002-2003 follow this section.

1. The establishment or operation of professional development programs to improve the quality of instruction provided under local activities required under section 231(b).
2. The provision of technical assistance to eligible providers of adult education and literacy activities.
3. The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of the activities.
4. The support of State or regional networks of literacy resource centers.
5. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities.
6. Incentives for program coordination and integration and performance awards.
7. Developing and disseminating curricula.
8. Other activities of Statewide significance that promote the purpose of this title.
9. Coordination with existing support services, such as transportation, childcare and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in those activities.
10. Integration of literacy instruction and occupational skill training and promoting linkages with employers.
11. Linkages with postsecondary educational institutions.

Priorities State Leadership 2002-2003

1. Communications for Professional Development (AXIS)

Management of a project to provide for the design and/or publication of newsletters, reports, handbooks and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination for the Bureau, professional development service providers and adult basic and literacy education providers. The project will also include support of on-line and Internet communications.

2. Adult Education Newsletter

Provision of a general adult basic education newsletter to be published a minimum of six times at a length of eight pages or more to disseminate information in areas of interest to adult basic education practitioners and program supporters in this Commonwealth. The areas may include, but are not limited to, professional development, program areas such as GED, ABE, ESL, Workplace and Family Literacy, and include adult education theory, best practices and awareness information. Applicant must establish an editorial review board and plan for a circulation of approximately 4,000 copies across this Commonwealth with distribution as requested by the Department.

3. Outstanding Adult Learners

Management of an event that includes the identification, selection and recognition of ten exemplary adult learners enrolled in adult basic and literacy education programs whose success stories focus on the role of adult

basic education in their lives. Approximately 2,000 copies of a Success Stories booklet featuring both past and current winners and their ABE programs will be prepared, published and disseminated as requested by the Department. Promotional fliers featuring Success Stories students will be prepared and disseminated to winners' program providers. Applicant will coordinate with an identified ABE Bureau staff person in the development of the project.

4. Outstanding Adult Practitioners

Management of an event to identify, select and honor outstanding adult education practitioners in this Commonwealth whose interaction with adult learners, colleagues and their programs is indicative of best practices in adult teaching and learning. Applicants will review the standards and performance indicators set forth by the Pennsylvania Adult Teachers Competencies project to use those criteria for the selection of Excellent Educators and Instructors in keeping with their recommendations for expert practitioners. The applicant will coordinate with an identified Bureau staff person, a Project EQUAL representative and a Professional Development Center coordinator in the development and implementation of the project.

5. Review and Dissemination of Exemplary Projects

Management of a project to review current and past Section 353 and State Leadership special demonstration/experimental and professional development projects from this Commonwealth and from other states in designated topic areas to determine their significance and appropriateness for adoption/adaptation in this Commonwealth. The project should identify exemplary and innovative practices/approaches and provide for the Statewide dissemination of information through publication of the reviewed projects via a newsletter to be published a minimum of six times a year.

6. Support of Adult Education Professional Development

Administration, fiscal management and support of Statewide adult basic education professional development activities and other Department activities to include provision for support of State Leadership requirements and initiatives under the Workforce Investment Act of 1998, support of various adult basic and literacy conference activities, support of Act 42 Council activities and provision of honoraria for presenters at State-sponsored activities.

7. Work-Based Foundation Skills

Management of a project to facilitate expanded dissemination and effective use of the Work-Based Foundation Skills Framework across this Commonwealth and agencies in support of the Commonwealth's workforce development initiatives. This project will continue the activities of a project developed and tested from 1999-2002. The project will develop and implement training procedures and products to build the ABE provider's capacity to understand and implement the Foundation Skills Framework. Activities in this project will be integrated with activities of ABE coalitions, local Workforce Investment Boards (WIBs) and CareerLink to strengthen communication and system integration. The project will develop and implement targeted Foundation Skill Framework training procedures and products for ABE programs and work with Professional Development Centers in identifying and training non-Pennsylvania Workforce Improvement Network affiliates in the use of the framework as well as in disseminating the Foundation Skills Framework throughout the workforce investment system. The project will

continue and further refine the foundation skills framework link to occupational skill standards, working collaboratively with the ABLE Interagency Coordinating Council skill standards work group so that a process and product is developed providing ABLE programs links between occupational skill standards and the foundation skills.

8. *English as a Second Language (ESL) Standards and Competencies*

Using recommendations from the ESL standards and competencies project of 2001-2002, this project will continue the development of the coordinated system of ESL training in support of program quality standards and competencies identified in the 2001-2002 project. Using existing training modules identified in the 2001-2002 project adopted/adapted for this Commonwealth, the project will implement training on sound research-based practices in ESL instruction and align it with the recommended program standards and teacher competencies. Based upon recommendations from the 2001-2002 project, new training may be developed.

9. *Planning for Change*

Provision of a Statewide system of consultants trained to provide individualized technical assistance to ABLE adult education coalitions, building on activities begun in the Planning for Change project funded in 2001-2002. Technical assistant consultants will guide and support adult education coalitions in attaining regional workforce development goals, including increased/improved communication with regional WIBs and CareerLink Centers, and the development, implementation and monitoring of an Adult Education Coalition Workforce Plan. The project applicant should provide services Statewide, be broad-based and participate in the ABLEworks system developed by the Bureau.

10. *Professional Development Institutes*

Purpose: To provide an opportunity for professional development in a specific area of ABLE in an intensive format.

Background: The Bureau has supported the professional development of practitioners and administrators through the institute format for several years. The format allows for the consistency in the delivery of information and methodologies in a specific area and at varying levels of expertise. It also builds the collegiality of participants through shared experiences and encourages ongoing professional development after the institute has ended. The activities offered through the institute and follow up trainings are guided by the Guiding Principles for Professional Development of Adult Education Practitioners.

Program Goals:

1. Administrative and fiscal management and support of a project for Statewide adult basic education professional development through the provision of a professional development institute (topics follow) to include the arrangements for physical accommodations for administrators, teachers, counselors and volunteers in adult basic education programs;

2. Delivery of information to participants that is relevant to the topic, research-based and representative of best practices that is provided by subject matter experts.

3. Development of strands on the institute topic for new and experienced practitioners.

4. Provision of follow-up training through the regional professional development centers and/or other activities.

5. Evaluation of the design and effectiveness of the training.

Suggested areas for institute format: Corrections Education, Teaching Math and ESL in the Workplace.

11. *Professional Development Center for Learning Differences/Disabilities*

Purpose: To continue the provision of a centralized system of professional development for practitioners serving adults with adult learning differences/disabilities; to serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities; to facilitate coordination of services to individuals with learning differences/disabilities among State and local agencies as provided in Program Years 2000-2001 and 2001-2002.

Background: Current research indicates that adult basic and literacy education programs are serving significant numbers of individuals who have learning differences/disabilities. According to needs assessments conducted in this Commonwealth, many adult education practitioners feel unprepared for the challenges presented in the teaching of those adults. The Bureau recognizes the need to support adult education practitioners who are teaching adults with learning differences/disabilities in Bureau sponsored programs. The Bureau desires to continue the support of previous activities by providing funds for a "center" to continue the efforts of coordinating a uniform and systematic approach to the provision of professional development for practitioners teaching adults with learning differences/disabilities and to the improvement to the quality of services offered to this population of learners.

Application requirements: The applicant must describe how it will address the following program elements:

1. Provide a centralized training and technical assistance system to support Commonwealth practitioners working with individuals with learning differences/disabilities.

- Develop and deliver uniform training products and processes to address the needs of Commonwealth adult education practitioners in the areas of learning differences that reflect state-of-the-art research and development efforts.

- Coordinate existing activities related to the provisions of training and technical assistance for practitioners teaching individuals with learning differences/disabilities.

- Develop and implement a train-the-trainer system consistent with current adult education train-the-trainer efforts to certify and credential trainers.

- Develop and implement a system of technical assistance that includes identification of best practices and peer networking.

- Coordinate the delivery of training with the Pennsylvania Adult Education professional development system including its Professional Development Centers, State Literacy Resource Center and Tutors for Literacy in the Commonwealth.

2. Serve as an information clearinghouse for research and best practices in teaching adults with learning differences/disabilities.

- Maintain expertise in the areas of adults with learning differences/disabilities for the purpose of identifying emerging best practices and research.

- Disseminate relevant and timely information related to special accommodations, research-based instructional planning, screening and identification, legal issues and other information related to serving adults with learning differences/disabilities.

- Coordinate information collection and dissemination with the State Adult Literacy Resource Center.

3. Facilitate the coordination of services to individuals with learning differences/disabilities among State and local agencies.

- Facilitate the leveraging of resources among State and local entities for the purpose of providing comprehensive services to individuals with learning differences/disabilities.

- Identify other State and local models of interagency coordination for individuals with learning differences/disabilities and assist in implementing them.

- Establish and maintain a working relationship with entities that serve individuals with learning differences/disabilities for the purpose of exchanging information and establishing interagency initiatives.

- Maintain a presence by representing the Commonwealth's efforts at National and State meetings, workshops and seminars.

12. *Mini-Grants*

These grants may be used to support State Leadership activities at the local level. For example, a mini grant can be used to complement Statewide initiatives that impact at the local level such as implementing adult learner competencies into an agency's program, determining the impact of instructional programs on adult learners or to assist an agency in integrating adult basic education and workforce development activities in the local area. Funds should not be used for direct instructional time but for time to research, design, plan and support the activities needed to carry out the goals of the project. Grants may not exceed \$5,000.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-462. Filed for public inspection March 22, 2002, 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 the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|---|--------------------------------------|-----------------------------|
| PA0030112 | Methacton School District 1001 Kriebel Mill Road Norristown, PA 19408 | Montgomery County Worcester Township | UNT of Skippack Creek | Y |
| PA0050989 | Frederick Mennonite Community P. O. Box 498 Frederick, PA 19435-0498 | Montgomery County Upper Frederick Township | UNT of Swamp Creek | Y |

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> |
|-------------------------------------|---|--------------------------------------|---|-----------------------------|
| PA0032328 Sewage Nonmunicipal | Hickory Hills Manufactured Housing Community, LCC 121 Hickory Hills Drive Bath, PA 18014 | Northampton County Moore Township | Tributary to East Branch Monocacy Creek (Water- shed #2C) | Yes |
| PA0061875 Nonmunicipal | Hickory Hills Sewer Corp. c/o Foster Township 1000 Wyoming Ave. Freeland, PA 18224 | Luzerne County Foster Township | Pond Creek Watershed #2A | Yes |
| PA0034070 Renewal | Glencrest Realty Company 6000 Glencrest Road Slatington, PA 18080 | Washington Township Lehigh County | Unnamed tributary to Coplay Creek #2C | Yes |
| PA0051675 Renewal | Northampton Area School District 1617 Laubach Avenue Northampton, PA 18067 | Moore Township Northampton County | #2C Unnamed tributary to Hokendaqua Creek | Yes |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0081876 | Audubon Park, Inc. 322 S. Hanover St. Carlisle, PA 17013 | York County Monaghan Township | UNT Yellow Breeches Creek/7E | Y |
| PA0084301 | Lancaster Malleable Castings Company 1170 Lititz Avenue Lancaster, PA 17601-4338 | Lancaster County Southern Manheim Township | UNT to Conestoga Creek 7-J | Y |

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

PA0035718, Industrial Waste, **John Koller, & Sons t/a Fairview Swiss Cheese**, 1734 Perry Highway, Fredonia, PA 16124. This proposed facility is located in Fairview Township, **Mercer County**.

Description of discharge: This is a minor discharge of commercial wastes, in watershed 20-A and which is classified for: trout stocking, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority on the Beaver River located at River Mile 3.8, approximately 56.4 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow | XX | | | | |
| BOD ₅ | 39 | 90 | XX | XX | 50 |
| TSS | 58 | 135 | XX | XX | 100 |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| NH-N (5-1 to 10-31) | 1.3 | 2.7 | 3.0 | 6.5 | 7.0 |
| (11-1 to 4-30) | 3.5 | 7.9 | 8.5 | 19 | 21 |
| Fecal Coliform | | | | | |
| TRC | | | 0.5 | | 1.2 |
| pH | Within limits of 6.0 to 9.0 standard units at all times. | | | | |

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of n/a MGD.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| These Outfalls shall consist of stormwater only. | | | | | |
| Refer to Part C Special Condition concerning stormwater outfalls. | | | | | |

XX—Monitor and report.

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

The EPA Waiver is in effect.

PA0222160, Sewage, **Hemlock Mobile Home Park**, R. D. 6, Box 604, New Castle, PA 16101. This proposed facility is located in Wolf Creek Township, **Mercer County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, unnamed tributary to East Branch Wolf Creek, is in watershed 20-C and classified for: cold water fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Salvation Army Camp intake on Slippery Rock Creek located in Wayne Township, Lawrence County, approximately 34 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01675 mgd.

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|---------------------------------|------------------------|--|------------------------------|
| CBOD ₅ | 25 | | 50 |
| Total Suspended Solids | 30 | | 60 |
| Fecal Coliform (5-1 to 9-30) | | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | | 2,000/100 ml as a geometric average | |
| Total Residual Chlorine | 1.4 | | 3.3 |
| Dissolved Oxygen | | minimum of 3 mg/l at all times | |
| pH | | 6.0 to 9.0 standard units at all times | |

The EPA Waiver is in effect.

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 0246433, Sewage, **Broad Top Township (Hess Trailer Park)**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057. This facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream, an unnamed tributary of Sherman Valley Run, is in Watershed 11-D and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on Raystown Branch Juniata River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of .0012 MGD are:

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------|------------------------|-----------------------|------------------------------|
| CBOD ₅ | 25 | 45 | 50 |
| Suspended Solids | 30 | 45 | 60 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|--------------------------------------|----------------------------------|---|
| Total Residual Chlorine | 0.5 | | 2.0 |
| TKN-N | Monitor and Report | | |
| Ammonia-N | Monitor and Report | | |
| Nitrite-N | Monitor and Report | | |
| Nitrate-N | Monitor and Report | | |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | |
| (10-1 to 4-30) | 19,000/100 ml as a geometric average | | |

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

The EPA waiver is in effect.

Application No. PA 0008087, Industrial Waste SIC Nos. 2066 and 2064, **Hershey Foods Corporation (Hershey Plant)**, 19 East Chocolate Avenue, Hershey, PA 17033-0819. This facility is located in Derry Township, **Dauphin County**.

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

The receiving stream, Spring Creek, is in Watershed 7-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on Swatara Creek, approximately 12 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—005, 008, 009 and 013 based on a design flow of 6.28 MGD (total) are:

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Temperature (°F) | | | Monitor | Monitor | |
| pH (S.U.) | | | Always between 6.0 and 9.0 | | |

The proposed effluent limits for Outfall 003 are:

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| pH (S.U.) | | | Always between 6.0 and 9.0 | | |

The proposed effluent limits for Outfall 010 are:

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Fecal Coliforms | | | Monitor | | |
| TRPH | | | Monitor | | |
| pH (S.U.) | | | Always between 6.0 and 9.0 | | |

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

1. Instream temperature and flow monitoring requirements and limitations.
2. Requirements for stormwater outfalls.
3. Requirements for an annual aquatic biological survey.

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

The EPA waiver is in effect.

Application No. PAS 703501, Industrial Waste, **Koch Materials Company**, 1505 Greenleaf Road, North Charleston, SC 29405. This facility is located in Muhlenberg Township, **Berks County**.

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

The receiving stream, Laurel Run, is in Watershed 3-C and classified for WWF, water supply and recreation and fish consumption. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</i> | <i>Mass (lb/day)</i> | <i>Concentration (mg/l)</i> |
|------------------------|-------------------------|-----------------------------|
| | <i>Maximum Daily</i> | <i>Maximum Daily</i> |
| pH | 6.0 to 9.0 at all times | |
| Total Suspended Solids | 141 | 23 |
| Oil and Grease | 94 | 15 |

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

The EPA waiver is in effect.

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

PA0217280, Industrial Waste, SIC, 3229, **American Video Glass Corporation**, 777 Technology Drive, Mount Pleasant, PA 15666-2715. This application is for renewal of an NPDES permit to discharge treated process water, backwash water and untreated stormwater from American Video Glass Corporation in East Huntingdon and Hempfield Townships, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sewickley Creek (001) and Belson Run (002, 003), classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is McKeesport Municipal Water Authority, located at McKeesport, 20 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.72 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Total Suspended Solids | 100.9 | 201.8 | 10 | 20 | |
| Oil and Grease | 100.9 | 201.8 | 10 | 20 | |
| Fluoride | 46.6 | 93.2 | 13 | 26 | |
| Lead | 0.35 | 0.70 | 0.1 | 0.2 | |
| Antimony | | | 0.11 | 0.22 | |
| Temperature (°F) | | | | 110 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfalls 002 and 003: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Discharge shall solely consist of uncontaminated stormwater runoff. | | | | | |

The EPA waiver is in effect.

PA0021156, Sewage, **Bullskin Township**, 178 Shenandoah Road, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from the Merit Manor STP in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Whites Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 5.0 | | | 10.0 |
| (11-1 to 4-30) | 15.0 | | | 30.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 4,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.2 | | | 2.9 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0028452, Sewage, **Dunkard Bobtown Municipal Authority**, P. O. Box 352, Bobtown, PA 15315. This application is for Renewal of an NPDES permit to discharge treated sewage from Dunkard Bobtown STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.15 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 5.5 | 8.3 | | 11.0 |
| (11-1 to 4-30) | 16.5 | 24.8 | | 33.0 |
| Fecal Coliform | 200/100 ml as a geometric mean | | | |
| (5-1 to 9-30) | 10,000/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | not less than 6.0 nor greater than 9.0 | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0096733, Sewage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668. This application is for Renewal of an NPDES permit to discharge treated sewage from Pleasant View Mobile Home Park Sewage Treatment Plant in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a HQ-CWF 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 Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.024 mgd.

| Parameter | Concentration (mg/l) | | | |
|--|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | 200/100 ml as a geometric mean | | | |
| (5-1 to 9-30) | 20,000/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | | | | |
| Total Residual Chlorine | | | | |
| STP utilizing tablet chlorinator | 1.4 | | | 3.3 |
| STP utilizing ultraviolet disinfection | No monitoring required | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

PA0238767, Sewage, **Stoneworth Apartments**, 124 Eastwood Drive, Butler, PA 16001. This proposed facility is located in Worth Township, **Butler County**.

Description of Proposed Activity: New discharge of treated sewage.

The receiving stream, Slippery Rock Creek, is in watershed 20-C and classified for: CWF, 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 Salvation Army Camp intake on Slippery Rock Creek located in Wayne Township, Lawrence County, approximately 17 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.024 mgd.

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------|--|-----------------------|------------------------------|
| CBOD ₅ | 25 | | 50 |
| Total Suspended Solids | 30 | | 60 |
| Fecal Coliform | 200/100 ml as a geometric average | | |
| (5-1 to 9-30) | 100,000/100 ml as a geometric average | | |
| (10-1 to 4-30) | | | |
| Total Residual Chlorine | 1.4 | | 3.3 |
| pH | 6.0 to 9.0 standard units at all times | | |

The EPA Waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

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

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

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

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

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

WQM Permit No. 5202402, Fawn Lake Forest Water Company, P. O. Box D, Waymart, PA 18472. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Authorization to use treated effluent from the Woodloch Springs Wastewater Treatment Plant to augment the water source for the Woodloch Springs Golf Course irrigation system and incorporate existing facilities into the permit. Fawn Lake Forest Water Co. has authorization to discharge 150,000 GPD to Teedyuskung Creek.

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

WQM Permit No. 0689423, Transfer 02-1, Sewerage, R. Michael and Linda G. Bunner, 1248 Clearview Circle, Allentown, PA 18103. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit for property at 949 Benicoff Road, Kutztown, PA 19530, for a single residence sewage system.

WQM Permit No. 3602405, Sewerage, **Ephrata Township Sewer Authority**, 265 Akron Road, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of sewer extensions and a pump station for the Lincoln's Meadow Subdivision.

WQM Permit No. 0102402, Sewerage, **Carroll Valley Sewer and Water Authority**, P. O. Box 718, Fairfield, PA 17320. This proposed facility is located in Carroll Valley Borough, **Adams County**.

Description of Proposed Action/Activity: Replacement of Pump Station serving Ski Liberty.

WQM Permit No. 3602406, Sewerage, **Nelson Wenger**, 100 East Queen Street, Stevens, PA 17578. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant to serve the Millbrook Manor Mobile Home Park.

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

WQM Permit No 2002403, Sewerage, **Charles C. and Shelley A. Voll**, 20252 Westhaven Lane, Rocky River, OH 44116. This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No 2002404, Sewerage, **Thomas G. Herrmann**, 7179 Linesville Road, Hartstown, PA 16131. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No 4302409, Sewerage, **Ryan Wells**, 64 Small Road, Fredonia, PA 16124. This proposed facility is located in Lake Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations

regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

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

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

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the

30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

NPDES Permit PAS10G513, Stormwater, **RM Enterprises, Inc.**, 222 North Walnut Street, West Chester, PA 19380, has applied to discharge stormwater associated with a construction activity located in West Caln Township, **Chester County** to Indian Spring Run (EV).

NPDES Permit PAS10J056, Stormwater, **Riverton Developers**, 1200 River Road, Conshohocken, PA 19428, has applied to discharge stormwater associated with a construction activity located in City of Chester, **Delaware County** to Delaware River (WWF).

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

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

| <i>NPDES No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|------------------|--|--|---|
| PAS10Q233 | Western Lehigh Valley Corp. 3190 Ridgeview Dr. Suite 302 Allentown, PA 18104 | Lehigh County N. Whitehall Township | Unnamed tributary to Jordan Creek HQ-CWF |
| PAS10Q234 | R.A.B. Management 711 Frutchey Hill Rd. Easton, PA 18040 | Lehigh County Lower Macungie Township | Little Lehigh Creek HQ-CWF |
| PAS10Q235 | Brandywine Operating Partnership 7535 Windsor Dr. Suite B202 Allentown, PA 18105 | Lehigh County Upper Macungie Township | Little Lehigh Creek HQ-CWF |

Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627, (570) 674-7991.

| <i>NPDES No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|------------------|--|---------------------------------------|--|
| PAS10R041 | Holy Protection of the Theotokos Greek Orthodox Church c/o Garondissa Olympicia 378 Laurytown Rd. Weatherly, PA 18255 | Luzerne County White Haven Borough | Lehigh River Basin HQ-CWF |
| PAS10R042 | Critical Path Assoc., LLC 670 N. River St. Wilkes-Barre, PA 18705 | Luzerne County Lehman Township | Unnamed tributary to Harvey's Creek HQ-CWF |

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

| <i>NPDES No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|------------------|---|--|----------------------------|
| PAS10U169 | Northampton Community College Attn: Mark Culp 3835 Green Pond Rd. Bethlehem, PA 18020 | Northampton County Bethlehem Township | Monocacy Creek HQ-CWF |

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

| <i>NPDES No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|------------------|--|------------------------------------|---------------------------------|
| PAS10V041 | Woodloch Pines, Inc. 2 Woodloch Springs Hawley, PA 18428 | Pike County Lackawaxen Township | Teedyuskung Creek HQ-CWF, MF |

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

Cumberland County Conservation District: 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013-9172 (717) 240-7813.

| <i>NPDES No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---|-------------------------------|
| PAS10H095 Stormwater | Harry Fox, Jr. 15 Monteto Court Dillsburg, PA 17019 | Dickinson Township Cumberland County | Yellow Breeches Creek (HQ) |

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

Clearfield County Conservation District, 650 Leonard St., Clearfield, PA 16830, (814) 765-2629.

NPDES Permit PAS101715-1, Stormwater, **Department of Environmental Protection**, Bureau of Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105 has applied to discharge stormwater associated with a construction activity located in Bell Township, **Clearfield County** to Lost Run and Laurel Run, HQ-CWF.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application. Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 1502502, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | Elverson Water Company, Inc. |
| Borough | Elverson |
| Responsible Official | Curtis L. Hoke 26 E. Main Street Elverson, PA 19520 |
| Type of Facility | PWS System |
| Consulting Engineer | Evans Mill Environmental P. O. Box 735 Uwchland, PA 19520 |
| Application Received Date | March 7, 2002 |
| Description of Action | To construct disinfection and pumping facilities and add new source Well No. 6 to existing system. |

Permit No. 1502503, Public Water Supply.

| | |
|---------------------------|---|
| Applicant | Philadelphia Suburban Water Company |
| Township | East Marlborough |
| Responsible Official | Joseph G. Thurwanger Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | PWS System |
| Consulting Engineer | Joseph G. Thurwanger Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010 |
| Application Received Date | March 8, 2002 |
| Description of Action | Construction of a 1 million-gallon storage tank and booster pump station. |

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

Permit No. 5401509, Public Water Supply.

| | |
|---------------------|--|
| Applicant | Borough of Schuylkill Haven |
| Township or Borough | North Manheim Township Schuylkill County |

Responsible Official Marlin Berger, Borough Manager
Schuylkill Haven Borough Building
12 West Main Street
Schuylkill Haven, PA 17972
(570) 385-8241

Type of Facility Community Water System

Consulting Engineer James P. Palumbo, Jr., P.E.
Quad 3 Group, Inc.
37 North Washington Street
Wilkes-Barre, PA 18701
(570) 829-4200

Application Received Date November 29, 2001

Description of Action Construction of a new 4-million GPD water filtration plant and 150,000-gallon finished water storage tank with associated booster pump station, along with demolition/modification of the existing treatment plant.

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

Permit No. 2702501, Public Water Supply.

Applicant **Pennsylvania Suburban Water Company—Shenango Division**
665 South Dock Street
Sharon, PA 16146

Township or Borough Jenks Township, **Forest County**

Responsible Official Jack N. Walter, P.E.
Pennsylvania Suburban Water Company

Type of Facility New PWS

Consulting Engineer William A. LaDieu, P.E.
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date March 4, 2002

Description of Action Developing three new wells and constructing a water treatment facility to service the Forest County State Correctional Institution and other users.

MINOR AMENDMENT

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

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

Application No. Transfer, Minor Amendment.

Applicant **Lehigh County Authority**

Township or Borough Lynn Township
Lehigh County

Responsible Official Aurel M. Arndt, General Manager
Lehigh County Authority
1053 Spruce Street
P. O. Box 3348
Allentown, PA 18106-0348
(610) 398-2503

Type of Facility Community Water System

Consulting Engineer Joseph E. Iudicello, Vice President
Mark Terrace Water Company, Inc.
6500 Chapmans Road
Allentown, PA 18106
(610) 395-2600

Application Received Date February 27, 2002

Description of Action Transfer the PWS permit (Permit No. 3997501, issued June 15, 2000) for the water system serving Pine Lakes of Lynn from Mark Terrace Water Co., Inc. (t/a Lynn Water Co.) to Lehigh County Authority

Application No. Minor Amendment.

Applicant **Silver Springs Mountain Water Company**

Township or Borough Silver Lake Township

Responsible Official Francis L. Flynn, General Partner
Silver Springs Mountain Water Company
R. R. 1, Box 1365
Friendsville, PA 18818

Type of Facility Bottled Water System

Consulting Engineer Paul B. Milnes, P.E.
Milnes Engineering, Inc.
12 Frear Hill Road
Tunkhannock, PA 18657

Application Received Date February 27, 2002

Description of Action Relocation of existing bottling equipment, with repiping, within an existing bottled water facility.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to

use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations 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:

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

Franconia Mennonite Board of Missions and Charities, Hilltown Township, **Bucks County**. Seth Frankhauser, Storb Environmental, Inc., 410 N. Easton Road, Willow Grove, PA 19090, on behalf of Franconia Mennonite Board of Missions and Charities, 771 Route 113, Souderton, PA 18964, has submitted a Notice of Intent to Remediate groundwater contaminated with BTEX and petroleum hydrocarbons. 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 Intelligencer* on February 8, 2002.

Former PPG Industries, Inc. and BASF Corp. Facility, Folcroft Borough, **Delaware County**. Russell D. Devan, P.G., Environmental Resources Management, Inc., 855 Springdale Drive, Exton, PA 19341, on behalf of Jarden Investments, LP, 1830 Columbia Ave., Folcroft,

PA, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, solvents and pesticides. 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 *Delaware County Times* on January 18, 2002.

Donald Hogg Residence, Haverford Township, **Delaware County**. J. Jeffrey Grant, GAC Associates, Inc., P. O. Box 625, Ardmore, PA 19003-0625, on behalf of Herbert Victor, HMS/Bryn Mawr Assoc., 349 W. Lancaster Ave., #201, Haverford, PA 19004, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet Site-Specific Standards. A Summary of the Notice of Intent to Remediate was reported to have been published in the *Main Line Times* on June 7, 2001.

George H. and Jane P. Freischmidt Family Trust, Marple Township, **Delaware County**. Thomas J. Martinelli, JMT Environmental Technologies, P. O. Box 22044, Lehigh Valley, PA 18002-2004, on behalf of Freischmidt Family Trust, 19 Worthington Drive, West Grove, PA 19390, has submitted a Notice of Intent to Remediate soil contaminated with petroleum hydrocarbons. 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 *Delaware County Press* on February 6, 2002.

Former Gasoline Service Station, Montgomery Township, **Montgomery County**. Jeffrey E. Goudsward, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Cynwyd Investments, 261 Old York Rd., Suite 613, Warminster, PA 19046, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, BTEX, polycyclic aromatic hydrocarbons, EDBs and EDCs. 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 Reporter* on February 13, 2002.

Majka Property, Upper Providence Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Heritage Building Group, Inc., 326 Old York Road, Suite B, Furlong, PA 18925, has submitted a Notice of Intent to Remediate soil contaminated with arsenic. The applicant proposes to remediate the site to meet the Statewide Health Standard. A Summary of the Notice of Intent to Remediate was reported to have been published in *The Pottstown Mercury* on February 18, 2002.

Sorbees International, City of Philadelphia, **Philadelphia County**. James F. Mullan, P.E., Hocage Consulting, Inc., 212 Haddon Ave., Westmont, NJ 08108, on behalf of Elliot Stone, 9990 Global Rd., Philadelphia, PA, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. 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 Northeast News Gleaner* on July 18, 2001.

CSX Intermodal—Snyder Avenue Yard Facility, City of Philadelphia, **Philadelphia County**. Gary A. Rozmus, P.E., Gannett Fleming, Inc., 480 Forest Ave., P. O. Box 707, Locust Valley, NY 11560-0707, on behalf of

CSX Transportation, Attn: Marshall L. Williams, 301 W. Bay St., Suite 800, Jacksonville, FL 32202, has submitted a Notice of Intent to Remediate soil contaminated with PCBs, lead, heavy metals, BTEX, PAHs and solvents; and groundwater contaminated with lead, heavy metals, PAHs and solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A Summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on February 7, 2002.

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

Former Open Gate Hotel, Bethlehem Township, **Northampton County**. Lori A. Girvan, Environmental Scientist, Barry Isett & Associates, Inc., 85 S. Route 100 and Kressler Lane, P. O. Box 147, Trexlertown, PA 18087 submitted a Notice of Intent to Remediate (on behalf of Nazareth National Bank, 3864 Adler Place, Bethlehem, PA 18017) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on January 23, 2002. A Final Report was simultaneously submitted.

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

Capitol Heights Project, City of Harrisburg, **Dauphin County**. Apex Environmental, Inc., 220 North Park Road, Reading, PA 19610, on behalf of Struever Rouse Homes, 1040 Holl Street, Suite 200, Baltimore, MD 21230, submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on February 27, 2002.

Wawa 274, Muhlenberg Township, **Berks County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063, submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Background standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Times/Eagle* on March 5, 2002.

RESIDUAL WASTE GENERAL PERMITS

Applications for Major Permit Modification under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR061. Thermo-Depolymerization Process LLC, 460 Hempstead Avenue, West Hempstead, NY 11552. The facility is located on the Philadelphia Navy Yard. General Permit Number WMGR061 for the processing of food

processing waste and rendering waste prior to beneficial use as fuel was issued on October 4, 1999. The permittee requested the following additional residual waste types to be covered under the general permit: waste tires, mixed plastics, presorted municipal waste and sewage sludge. In addition, the permittee requested an extension to the expiration date of the general permit, which was originally limited to 4 years from the date of issuance. The application was determined to be administratively complete by Central Office on March 7, 2002.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 301333. Waste Recovery Solutions, Inc., 343 King Street, Myerstown, PA 17067, Jackson Township, **Lebanon County**. The application is for permit modification for the Radiation Protection Plan for the Residual Waste Processing. The application was determined to be administratively complete by the Southcentral Regional Office on March 5, 2002.

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

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, 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. The

Department 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 Department 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 Department 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 the Department 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 the Department 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

06-05093: Industrial Power Generating Corp. (2250 Dabney Road, Richmond, VA 23230) for construction of 24 internal combustion engines to generate electricity controlled by combustion methods in Exeter Township, **Berks County**.

28-03025A: Wenger's Feed Mill, Inc. (P. O. Box 26, 101 West Harrisburg Avenue, Rheems, PA 17570-0026) for construction of a railcar unloading operation at its Shipensburg Facility in Southampton Township, **Franklin County**.

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

30-00143A: Dana Mining Co. of PA, Inc. (P. O. Box 1209, Morgantown, WV 26507) for installation of coal screening plant at Titus Mine in Dunkard Township, **Greene County**.

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

10-001G: AK Steel—Butler Works (P. O. Box 832, 210 Pittsburgh Road, Butler, PA 16003) for construction of a steel ladle desulfurization and slag skimming station in Butler, **Butler County**.

10-047G: Mine Safety Appliances Co.—Callery Chemical Co. (1420 Mars-Evans City Road, Evans City, PA 16033-9397) for modification to reclassify the methanol wash unit from a control device to source in Forward Township, **Butler County**. No equipment modifications or operational changes are proposed.

61-193B: National Fuel Gas Supply Corp.—Henderson Station (Route 965, Stoneboro, PA 16153) for modification of the emissions control technology on the dehydration system in Mineral Township, **Venango County**.

43-37A: ELG Metals Inc. (660 Fourth Street, Greenville, PA 16125) to install a baghouse to collect fugitive emissions from scrap cutting operations in Pymatuning Township, **Mercer County**.

20-005A: W. L. Dunn Construction Co. (180 North Franklin Street, P. O. Box 8, Cochranon, PA 16314) for replacement of the scrubber with a knock out box and baghouse in East Fairfield Township, **Crawford County**.

24-131E: SGL Carbon LLC (900 Theresia Street, St. Marys, PA 15857) for construction of a chemical vapor deposition reactor and wet scrubber system in St. Marys, **Elk County**. SGL Carbon is a Title V facility.

24-131F: SGL Carbon LLC (900 Theresia Street, St. Marys, PA 15857) for construction of a vacuum out gas furnace with wet scrubber control in St. Marys, **Elk County**. SGL Carbon is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0135: Yerger Wood Products, Inc. (3090 Wentling Schoolhouse Road, East Greenville, PA 18041) for installation of a 60" tub grinder with a diesel engine in Upper Hanover Township, **Montgomery County**. This facility is a non-Title V facility. The installation of the 60" tub grinder with a diesel engine will result in emissions of 3.30 ton per year of nitrogen oxides and 0.15 ton per year of VOCs. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

46-0022: Atofina Chemicals, Inc. (900 First Avenue, King of Prussia, PA 19406) for installation of the 20.068 mmBtu/hr boiler in King of Prussia, **Montgomery County**. This installation of the boiler will result in the emissions of 5.13 tons per year of nitrogen oxides, 17.87 tons per year of sulfur dioxide, 8.46 tons per year of carbon monoxide, 0.49 ton per year of VOCs. The Plan Approval and Operating Permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

35-399-037: WEA Manufacturing (1400 East Lackawanna Avenue, Olyphant, PA 18448) for construction of a Grunig Interscreen screen cleaner in Olyphant Borough, **Lackawanna County**. WEA Manufacturing is a major facility for which Title V Operating Permit 35-00032 has been issued. VOC emissions from the screen cleaner will be 5.87 tons per year. Standard recordkeeping and operating restrictions will be included in the plan approval to ensure the facility is operating within all applicable air quality requirements.

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

14-310-017M: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of various new pieces of stone screening and conveying equipment at their existing facility in Spring Township, **Centre County**. Fugitive dust emissions from the additional equipment are expected to be minimal due to the amount of water that will be applied throughout the process.

The Department has determined that the proposed additional equipment will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The Department consequently intends to issue plan approval for the construction of the respective equipment.

The Department intends to place conditions in the plan approval to be issued to assure compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

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

2. The air contaminant emissions from the equipment shall comply with the applicable requirements specified in Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676.

3. This plan approval does not authorize the construction of any engines or generators.

4. The company shall have onsite an operable water truck equipped with a pressurized spray bar to be used, as needed, for the prevention and control of fugitive air contaminant emissions from roadways, stock piles, truck loading activities and the like.

19-00006B: H. J. Heinz Co., L.P. (6670 Low Street, Bloomsburg, PA 17815) for plan approval to modify two 26.6 million Btu per hour and one 53.0 million Btu per hour natural gas/#6 fuel oil-fired boilers at the dog and cat food manufacturing facility in South Centre Township,

Columbia County. The modification will consist of an increase in the amount of #6 fuel oil, which is allowed to be combusted in the boilers. The Department's review of the information contained in the application indicates that the proposed modification will meet all applicable air quality requirements. Based on this finding, the Department intends to approve the application and issue a plan approval for the proposed modification.

The dog and cat food manufacturing facility is a major facility, which has been issued a Title V Operating Permit (#19-00006).

As a result of the proposed modification, revised #6 fuel oil usage limitations and revised #6 fuel oil sulfur content limitations for the respective boilers, a reduced annual facility-wide nitrogen oxides emission limitation and a reduced annual facility-wide sulfur oxides emission limitation will be established.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. The usage of #6 fuel oil having a sulfur content greater than 1.0% but less than 2.8% by weight in the three boilers shall not exceed 450,000 gallons in any 12 consecutive month period.

2. The usage of #6 fuel oil having a maximum sulfur content of 1.0% by weight in the three boilers shall not exceed 1.4 million gallons in any 12 consecutive month period.

3. The permittee shall not combust in any sources at the facility any #6 fuel oil having a sulfur content greater than 2.8% by weight.

4. The total combined emission of nitrogen oxides from the three boilers plus two natural gas/#2 fuel oil-fired boilers existing at the facility shall not exceed 82.4 tons in any 12 consecutive month period.

5. The total combined emission of nitrogen oxides from all sources at the facility shall not exceed 89.3 tons in any 12 consecutive month period.

6. The total combined emission of sulfur oxides from the three boilers shall not exceed 212 tons in any 12 consecutive month period.

7. The total combined emission of sulfur oxides from all sources at the facility shall not exceed 218 tons in any 12 consecutive month period.

8. Nitrogen oxides stack testing shall be performed on the boilers.

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

63-00016B: Allegheny Energy Supply, LLC (4350 Northern Pike, Monroeville, PA 15146) for installation of a Low NOx Firing System at Mitchell Power Station in Union Township, **Washington County**.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval PA-63-00016B

1. This Plan Approval is for the installation of a Foster Wheeler designed Low-NOx Firing System on Allegheny Energy Supply, LLC, Mitchell Power Station, Boiler 33, located in Monongahela, PA (25 Pa. Code § 127.11).

2. It is not an enforceable requirement that the NOx control projects be operated at any given time (25 Pa. Code § 127.12b).

3. Stack testing shall be conducted on Boiler #33 to determine the mass emission rate of particulate matter and carbon monoxide. Testing should be conducted within 90 days of achieving maximum capacity operation of the NOx control project on each unit (25 Pa. Code §§ 127.12b and 139.11).

a) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

b) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

c) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

d) All relevant operating parameters (for example, boiler steam flow, airflow, gross megawatts, O₂; CEMS heat input and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

e) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

4. 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(d)).

a) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c) 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 (a).

d) 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.

e) The notice submitted by the Owner/Operator under subpart (a) 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.

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.

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

48-00006: Reliant Energy Mid-Atlantic Power Holdings, LLC—Portland Generating Station (P. O. Box 1050, Johnstown, PA 15907-1050) for a minor modification of their Title V Operating Permit for their facility in Upper Mt. Bethel Township, **Northampton County**.

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.

23-00052: Crozer Chester Medical Center (One Medical Center Blvd., Upland, PA 19013-3995) for operation of a hospital in Upland Borough, **Delaware County**. The permit is for a non-Title V (State only) facility. The hospital has the potential to emit 24.9 TPY of NOx. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital operating within all applicable air quality requirements.

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

40-313-045: Mountaintop Manufacturing (P. O. Box 99, Mountain Top, PA 18707-0099) for operation of a plastic milling line and associated air cleaning devices in Wright Township, **Luzerne County**.

40-320-014: Quebecor World Hazleton, Inc. (R. R. 1, Box 409Z, Hazleton, PA 18201) for operation of two binder lines and a hogger shredder and associated air cleaning devices in Hazleton, **Luzerne County**.

13-00015: Campton Funeral Home, Inc. (525 Delaware Avenue, Palmerton, PA 18071) for operation of a crematorium in Palmerton Borough, **Carbon County**.

39-00035: Allentown Wastewater Treatment Plant (112 Union Street, Allentown, PA 18102-4910) for operation of boilers and odor control scrubbers in the City of Allentown, **Lehigh County**.

39-00041: Greenwood Cemetery (2010 Chew Street, Allentown, PA 18104) for operation of a human crematory in the City of Allentown, **Lehigh County**.

39-00054: The Coca-Cola Co. (7551 Schantz Road, Allentown, PA 18106) for operation of boilers in the City of Allentown, **Lehigh County**.

39-00056: Lehigh County Wastewater Treatment Plant (Lehigh Government Center, 17 South 7th Street, Allentown, PA 18101) for operation of odor control equipment in the Upper Macungie Township, **Lehigh County**.

40-00001: Fairchild Semiconductor (125 Crestwood Road, Mountaintop, PA 18707-2189) for operation of semi-

conductor manufacturing processes, boilers and associated air pollution control devices in Wright Township, **Luzerne County**.

40-00036: Caradon Mideast Aluminum (P. O. Box 90, Mountaintop, PA 18707-0098) for operation of metal processing processes, boilers and associated air pollution control devices in Wright Township, **Luzerne County**.

40-00042: SPCA of Luzerne County (524 East Main Street, Wilkes-Barre, PA 18702) for operation of an animal crematory in Plains Township, **Luzerne County**.

40-00043: HPG, International (Crestwood Industrial Park, Oakhill Road, Mountaintop, PA 18707) for operation of plastics processes, boilers and associated air pollution control devices in Wright Township, **Luzerne County**.

40-00047: Geisinger Wyoming Valley Medical Center (1000 East Mountain Drive, Wilkes-Barre, PA 18711) for operation of a hospital waste incinerator, boilers and generators in Plains Township, **Luzerne County**.

45-00006: Laird Corp. (P. O. Box 650, Delaware Water Gap, PA 18327-0136) for operation of electroplating operations in Delaware Water Gap Borough, **Monroe County**.

45-00022: Haines and Kibblehouse—Chestnut Ridge Sand (P. O. Box 196, Skippack, PA 19474) for a rock crushing operation in Ross Township, **Monroe County**.

48-00038: Specialty Minerals, Inc. (640 North 13th Street, Easton, PA 18042) for machining operations and boilers in the City of Easton, **Northampton County**.

48-00039: Kraemer Textiles, Inc. (P. O. Box 92, Nazareth, PA 18064) for operation of boilers in Nazareth Borough, **Northampton County**.

48-00063: Columbia Gas Transmission Corp.—Hellertown Station (1700 MacCorkle Avenue, S.E., Charleston, WV 23525) for operation of natural gas compressor engines and generator in Williams Township, **Northampton County**.

54-00001: Gold Mills, Inc. (1 Penn Dye Street, Pine Grove, PA 17963) for operation of a textile mill and fabric finishing process, boilers, space heaters and associated air pollution control devices in Pine Grove Borough, **Schuylkill County**.

54-00007: Department of Corrections—Frackville SCI (P. O. Box 598, Camp Hill, PA 17001-0598) for operation of boilers in Ryan Township, **Schuylkill County**.

54-00026: Lehigh Coal and Navigation Co. (P. O. Box 311, Tamaqua, PA 18252) for operation of material storage silos and associated air pollution control device in Tamaqua Borough, **Schuylkill County**.

54-00035: Tredegar Film Products—Pottsville Plant (P. O. Box 160, Marlin, PA 17951) for operation of natural gas heaters and materials handling equipment in the East Norwegian Township, **Schuylkill County**.

64-00003: Cherry Ridge Veterinary Clinic (R. R. 2, Box 1030, Honesdale, PA 18431-9618) for operation of an animal crematory in Cherry Ridge Township, **Wayne County**.

64-00007: Hanson Aggregates PA, Inc.—Lake Ariel Rock Quarry (P. O. Box 321, Easton, PA 18431-9618) for a rock crushing operation in Lake Township, **Wayne County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

26-00476: Community Products, LLC (P. O. Box 240, Farmington, PA 15437) for operation of a spray booth in Wharton Township, **Somerset County**.

30-00129: Morgantown Technical Services, Inc. (2608 Smithtown Road, Morgantown, WV 26508) for a surface coating operation in Perry Township, **Green County**.

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

25-00090: Zurn Industries, Inc. (1301 Raspberry Street, Erie, PA 16502) for a Natural Minor Operating Permit to operate a gray iron foundry in Erie, **Erie County**.

10-00305: Recmix of PA, Inc. (359 North Pike Road, Sarver, PA 16055) for a Natural Minor Operating Permit for a stainless steel recovery facility in Winfield Township, **Butler County**.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for 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 that 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

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

17940103 and NPDES Permit No. PA 0219762. King Coal Sales, Inc., P. O. Box 712, Philipsburg, PA 16866. Revision to an existing bituminous surface mine permit for a Change in Land Use from postmining land use of forestland to pastureland or land occasionally cut for hay. The permit is located in Decatur Township, **Clearfield County** and affects 50 acres. Receiving streams: Shimel Run. Application received February 8, 2002.

17000111 and NPDES Permit No. PA 0243027. Gregg Barrett Coal, Lot #5, Capricorn Court, Clearfield, PA 16830. Major permit revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 47.5 to 57.3 acres. The permit is located in Ferguson Township, **Clearfield County**. Receiving streams: unnamed tributaries Watts Creek, Watts Creek. Application received February 20, 2002.

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

03020104. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Valley and Kittanning Townships, **Armstrong County**, affecting 261.5 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek to Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 1, 2002.

65920107. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717). Renewal application for reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 61.9 acres. Receiving streams: unnamed tributary to Stony Run and Stony Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 4, 2002.

03960102. Walter L. Houser Coal Co., Inc. (R. D. 9 Box 434, Kittanning, PA 16201). Revision application to add acres for a bituminous surface mine located in Sugarcreek Township, **Armstrong County**, affecting

311.6 acres. Receiving streams: unnamed tributaries to Snyder Run and Snyder Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received March 8, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

14831301. NPDES Permit #PA008966, Pennsylvania Mines, LLC (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Rushton Mine in Rush Township, **Centre County**, for reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received January 25, 2002.

03950701. NPDES Permit #N/A, Brady's Bend Corp. (930 Cass St., New Castle, PA 16101), to renew the permit for the Kaylor Limestone Mine in Bradys Bend Township, **Armstrong County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 1, 2002.

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

10920106 and NPDES Permit No. PA0211257. BMB Management, Inc. (R. D. 7, Box 375B, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Clay Township, **Butler County** affecting 80.2 acres. Receiving streams: unnamed tributary to Stoney Run and two unnamed tributaries to Pine Run, classified for the following uses: Statewide water uses: WWF. The first downstream potable water supply intakes from the point of discharge are Pinehurst Manor Mobile Home Park Well #1 and #2 and Pennsylvania American Water Company. Application for reclamation only. Application received March 4, 2002.

33910107 and NPDES Permit No. PA0208469. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Beaver Township, **Jefferson County** affecting 91.5 acres. Receiving streams: unnamed tributary of Red Run, classified for the following uses: Statewide water uses: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Municipal Authority. Application received March 4, 2002.

24020102 and NPDES Permit No. PA 0242080. P. and N. Coal Co., Inc. (240 West Mahoning Street, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip operation in Benezette Township, **Elk County** affecting 92.6 acres. Receiving streams: Porcupine Run; unnamed tributary to Porcupine Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 5, 2002.

Noncoal Applications Received

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

7874SM2A1C5 and NPDES Permit #PA0612880. Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit in North Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Catasauqua Water Works. Application received February 28, 2002.

35890301C. Keystone Quarry, Inc. (P. O. Box 249, Dunmore, PA 18512), correction to an existing quarry operation in Ransom Township, **Lackawanna County** affecting 170.0 acres, receiving stream: none. Application received March 4, 2002.

4874SM2C7 and NPDES Permit #PA0123544. CEMEX, Inc. (1200 Smith Street, Suite 2400, Houston, TX 7702), renewal of NPDES Permit in Jackson Township, **York County**, receiving stream: Little Conewago, classified for the following use: TSF. Application received March 5, 2002.

6174SM5A2C7 and NPDES Permit #PA0594423. Meckley's Limestone Products, Inc. (R. R. 1 Box 1682, Herndon, PA 17830), correction to an existing quarry operation and NPDES Permit in Little Mahanoy and Lower Jordan Townships, **Northumberland County** affecting 221.0 acres, receiving stream: Upper Fidler's Run, classified for the following use: WWF. Application received March 6, 2002.

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

41022801. Glenn O. Hawbaker, Inc., P. O. Box 135, 325 West Aaron Drive, State College, PA 16804. This application for permit supersedes George E. Logue, Inc., permit number 41900801, located in Loyalsock Township, **Lycoming County** affecting 5 acres. Receiving streams: unnamed tributary to Graffius Run, tributary to Susquehanna River. Application received February 2, 2002.

18020801. Benson W. Probst, 668 German Road, Lock Haven, PA 17745. Commencement, operation and restoration of a Small Industrial Minerals (Topsoil) permit in Dunnstable Township, **Clinton County** affecting 2.7 acres. Receiving streams: Big Plum Run to Susquehanna River, tributary to Susquehanna River. Application received February 19, 2002.

17020801. Michael Buhler, 148 Grant Road, Ridgway, PA 15853. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Huston Township, **Clearfield County** affecting 2 acres. Receiving streams: Horning Run, tributary to Bennetts Branch. Application received February 6, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water

Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-355. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Spring Brook Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure; construct and maintain a 184-foot long reinforced concrete box stream enclosure depressed 1-foot below stream elevation, having cell deminsions of 9-foot x 6-foot in Rattlesnake Creek (HQ-CWF); and to place fill in a de minimis area of wetlands less than or equal to 0.05 acre. The project is located at the intersection of S.R. 0690 and S.R. 2019. (Moscow, PA Quadrangle N: 12.9 inches; W: 11.7 inches).

E64-230. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Preston Township, **Wayne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain an 11-foot by 8-foot reinforced concrete box culvert across a narrow portion of Lake Como (HQ-CWF). The project is located on S.R. 4033, approximately 0.9 mile west of its intersection with S.R. 0247 (Lake Como, PA-NY Quadrangle N: 18.6 inches; W: 14.0 inches).

E64-229. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Buckingham Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 76-inch by 48-inch elliptical reinforced concrete culvert, depressed 1-foot below streambed elevation,

across the tributary to Kinneyville Creek (HQ-CWF). The project is located on S.R. 4033 approximately 0.3 mile northeast of its intersection with S.R. 0247 (Lake Como, PA-NY Quadrangle N: 18.6 inches; W: 11.2 inches).

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

E22-440. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103) in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To fill in 0.69 acre of wetland and to construct and maintain: (1) a concrete bridge having a normal clear span of 80 feet with a 70 degrees skew and a minimum underclearance of 10.7 feet across an unnamed tributary to Beaver Creek (Nyes Run (WWF)); and (2) a concrete box culvert having a normal clear span of 20 feet with a 61.8 degrees skew and a minimum underclearance of 8 feet at the channel of an adjacent unnamed tributary to relocate Union Deposit Road (SR 3020) located near its intersection with Nye Road (Harrisburg East, PA Quadrangle N: 6.95 inches; W: 1.9 inches) in Lower Paxton Township, Dauphin County. The applicant is required to provide 0.67 acre of replacement wetlands.

E36-727. Gary Trostle, Hammer Creek Watershed Association, 21 Buch Mill Road, Lititz, PA 17543 in Warwick Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project within the Hammer Creek (TSF) Watershed for the purposes of stream bank stabilization, improve sediment transport, creating additional wetlands, establishment of riparian buffers and improve aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes and J-hooks, riprap, root wad and log spur placement, ford improvements and cattle crossing installations beginning with the initial project phase to be located at a point or points beginning approximately 2,700 feet downstream of SR 501 to 375 feet upstream of Snavely Mill Road (Lititz, PA Quadrangle N: 14.2 inches; W: 5.7 inches) in Warwick Township, Lancaster County.

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

E17-365. Martin A. Belella, R. R. 2, Box 242A, Clearfield, PA 16830. Construct truck/trailer wash in Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 7.9 inches; W: 2.9 inches).

To construct a truck/trailer wash along the south side of SR 879, about 0.25 mile north of I-80, Exit 120. The applicant is proposing to fill 0.02 acre of palustrine wetland to facilitate construction of the installation.

E57-087A. Game Commission, P. O. Box 220, Dallas, PA 18612. State Game Lands Number, 13 Forestry Management Road Crossing Bloody Run, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Elk Grove, PA Quadrangle N: 10.5 inches; W: 7.3 inches).

To amend existing Water Obstruction and Encroachment Permit E57-087 to authorize the construction, operation and maintenance of minor road crossing Bloody Run (HQ-CWF) for forestry management operations in State Game Lands Number 13. The minor road crossing shall be constructed with a corrugated steel arch culvert

pipe that has a minimum span of 9.3-feet, rise of 6.2-feet and length of 40-feet. The road crossing shall also be constructed with the culvert pipe depressed a minimum of 0.5-foot, a rock scour pool at the outlet and R-4 rock lining of the upstream and downstream roadway embankment. Construction of the road crossing shall be conducted during stream low flow. The construction of the road crossing will not impact wetlands while impacting 50-feet of Bloody Run. This permit also authorizes the removal of soil, rock and timber slash from floodplain, floodway and flood channel areas for the restoration of the flood carrying capacity of the waterway.

E57-098. Muncy Creek Watershed Association, Inc., P. O. Box 47, Muncy, PA 17756. Gavit Site, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Sonestown, PA Quadrangle N: 17.25 inches; W: 10.25 inches).

The permit application proposes to stabilize a 500 linear foot reach of stream. The stream bank stabilization project will utilize in stream structures such as Cross-Veins, J Hooks and Single Leg deflectors. This project is located on Muncy Creek, CWF.

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

E02-478-A2. Edward L. Baust, Sr., Peggy's Harbor and Boat Club, Foot of Liverpool Street, Pittsburgh, PA 15233. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To amend permit E02-2478 which authorized the operation and maintenance of an existing boat docking facility originally permitted under E0277701, to construct and maintain an expansion to the boat marina and to operate and maintain a walkway. The marina is located along the right bank of the Ohio River (WWF) near Mile Point 1.6. This amendment will authorize the operation and maintenance of an expansion to the boat docking facility and to construct and maintain an expansion to the existing walkway. The new total length of the marina will be 2,256 feet. (Pittsburgh West, PA Quadrangle N: 14.6 inches; W: 4.8 inches).

E02-1369. Dormont Appliance Centers, 3447 Babcock Boulevard, Pittsburgh, PA 15237. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a concrete structure approximately 70' long and having a span of 14' and rise of 8' and an attached downstream concrete structure approximately 50' long and having a span of 13' and rise of 7' within Girty's Run (WWF). The structures are located in the parking lot of the Dormont Appliance Centers located on the west side of Babcock Boulevard approximately 200' north of its intersection with Bernice Avenue. The removal of the original deteriorating upstream structure and the construction of the replacement structure is authorized under EP0202202. (Emsworth, PA Quadrangle N: 7.3 inches; W: 3.6 inches).

E56-313. Conemaugh Township Supervisors, 1120 Tire Hill Road, Johnstown, PA 15905. Conemaugh Township, **Somerset County** and Stonycreek Township, **Cambria County**, ACOE Pittsburgh District.

To construct and maintain in-channel whitewater rafting enhancements including riprap flow diversions, drop structures and excavation of pool areas below existing channel invert in and along approximately 600 feet of Stony Creek (WWF). The project is located at Greenhouse Park off of S.R. 403 (Johnstown, PA Quadrangle N: 5.1 inches; W: 6.5 inches).

E63-526, Dolores Dosse, P. O. Box 57, Venetia, PA 15367-1333. Peters Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a 36 inch diameter culvert 80 feet in length in an unnamed tributary to Peters Creek (TSF) and associated wetlands for the purpose of providing access to the Great Meadows Residential Development. The project is located on Scenic Ridge Drive, approximately 40 feet east from the intersection of Scenic Ridge Drive and Great Meadows Drive (Hackett, PA Quadrangle N: 22.2 inches; W: 6.6 inches).

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

E10-349, Ridge Development, L.P., 3468 Broadhead Road, Monaca, PA 15061, Reilly Site, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 12.0 inches; W: 7.5 inches).

Grading of the site to create benches for future development, allow for future widening of S.R. 228 in Adams Township, Butler County just east of Seven Fields Borough. The project is on a tract of land approximately 44 acres with 37 acres being disturbed. There are five small existing wetland areas located near the southeast corner of the site totaling approximately 0.16 acre. The proposed wetland mitigation area will be located in a low area at the northeast corner of the property.

E10-356, Highway Equipment Company, 22035 Perry Highway, Zelienople, PA 16063, Butler County Ravine Fill, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 22.4 inches; W: 16.2 inches).

A 3.66-acre expansion to its existing storage area used for heavy equipment. The expansion project will necessitate the filling of a ravine containing the extreme headwaters portion of an unnamed tributary to Brush Creek (WWF). Brush Creek is located approximately 2.5 miles to the southwest of the project site. The unnamed tributary has a drainage area of approximately 15 acres before the downstream end of the project area. The floor of the ravine contains two palustrine-emergent wetlands having a total area of 0.043 acre. Prior to filling the ravine, a 42-inch reinforced concrete pipe will enclose approximately 340 feet of the unnamed tributary. The total acreage of the project is 3.66 acres.

E20-516, National Fuel Gas Distribution Corporation, 1100 State Street, Erie, PA 16501. SC-621, French Creek Crossing, in Cambridge Springs Borough, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 10.2 inches; W: 8.3 inches).

The installation of a 4-inch plastic pipeline across French Creek (WWF). This new pipeline will be installed approximately 250 feet east of the S.R. 1025 Bridge in the Borough of Cambridge Springs, Crawford County. The construction method is directional bore. The total pipeline construction length is approximately 800 feet and construction will disturb 0.5 acre.

E42-289, Pennsylvania Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. T-329, across East Branch Tunungwant Creek, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 21.6 inches; W: 2.9 inches).

To remove the existing structure and to construct and maintain a Composite P/S Concrete Spread Box Beam bridge having a clear span of 65 feet and an underclear-

ance of 6.75 feet on a 70-degree skew across East Branch Tunungwant Creek on T-329 approximately 3 miles northwest of Lewis Run. This project includes placement of fill in a de minimis area of wetland (0.045 acre) with roadway approach widening.

E61-252, Richard Clark, Box 11, Utica, PA 16362, Richard Clark Dock, in Utica Borough, Venango County, ACOE Pittsburgh District (Utica, PA Quadrangle N: 11.3 inches; W: 11.1 inches).

Improvement and maintenance of an existing boat located on the right bank of French Creek (WWF) in the Borough of Utica, Venango County. The original dock was constructed in 1973 and consisted of a wood post face with fill behind the posts. The vertical signature of the dock is 31.5 feet in length and 7.25 feet in width (outward from the stream bank). A stairway descends the stream bank to the dock. The improvements involve placing plastic pipe vertically in front of the dock face and pour concrete on top of the dock.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D28-002EA, Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Southampton Township, **Franklin County**, ACOE Baltimore District.

To breach and remove the Stony Point Dam across Furnace Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,500 feet south of the intersection of Middle Ridge Road and Linsay Lot Road in Michaux State Forest (Scotland, PA Quadrangle N: 20.7 inches; W: 0.2 inch).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. 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 an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in 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 to 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. Municipal and Industrial Permit Actions under The Clean Streams Law Act (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. 1501423, Sewerage, **Borough of Phoenixville**, 145 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer interceptor known as French Creek Interceptor Phase I.

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

NPDES Permit No. PA-0028495, Industrial Waste, **Rhodia, Inc.**, 275 Keystone Drive, Bethlehem, PA 18017. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: to renew permit to discharge treated wastewater to Monocacy Creek.

WQM Permit No. 5401403, Sewerage, **Pusti Margia Vashnav Samaj of North America**, 347 Highway 35, Eatontown, NJ 07724. This proposed facility is located in Wayne Township, **Schuylkill County**.

Description of Proposed Action/Activity: Applicant is proposing a phased construction of a sewage collection system, pump station and extended aeration sewage treatment plant.

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

WQM Permit No. 2101410, Sewerage, **Monroe Township Municipal Authority**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055. This proposed facility is located in Monroe Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewers and Appurtenances.

NPDES Permit No. PA0022233, Sewerage, **Dr. Raymond Hale, Arendtsville Municipal Authority**, P. O. Box 43, Arendtsville, PA 17303-0043. This proposed facility is located in Arendtsville Borough, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7F.

NPDES Permit No. PA0086703, Amendment #2, Industrial Waste, **NGK Metals Corporation**, 150

Tuckerton Road, P. O. Box 13367, Reading, PA 19612. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Permit Amendment with Authorization to discharge to Laurel Run in Watershed 3-C.

NPDES Permit No. PA0086398, Groundwater Cleanup, **US Army Corp of Engineers**, 285 18th Street, New Cumberland, PA 17070-5016. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge at Marsh Run Park to Marsh Run Creek in Watershed 7-E.

NPDES Permit No. PA0246409, CAFO, **Bill Achor, Wenger's Feed Mill, Inc.**, 101 West Harrisburg Avenue, Rheems, PA 17570. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge at the Egg Basket to Little Chickies Creek in Watershed 7G.

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

NPDES Permit No. PA0218863, Industrial Waste, **Duke Energy North America**, 5400 Westheimer Court, Houston, TX 77056-5310 is authorized to discharge from a facility located at Fayette Energy Facility—Duke Energy, German Township, **Fayette County** to receiving waters named Monongahela River (001) and unnamed tributary 41154 (002).

NPDES Permit No. PA0096717, Sewage, **Penn Cambria School District**, 201 6th Street, Cresson, PA 16630-1363 is authorized to discharge from a facility located at Penn Cambria Primary School STP, Lilly Borough, **Cambria County** to receiving waters named Bear Rock Run.

NPDES Permit No. PA0204994, Sewage, **Central Indiana County Joint Sanitary Authority**, 30 East Wiley Street, Homer City, PA 15748 is authorized to discharge from a facility located at Central Indiana County Joint Sanitary Authority STP, Center Township, **Indiana County** to receiving waters named Two Lick Creek.

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

NPDES Permit No. PA0103471, Sewage, **Shenango Township Municipal Authority**, P. O. Box 266, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

WQM Permit No. 4389401-A1, Sewerage Amendment, **Shenango Township Municipal Authority**, P. O. Box 266, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the rerating of a wastewater treatment plant. No construction is necessary at this time.

II. Oil and Gas Management Permit Actions under The Clean Streams Law Act (35 P. S. §§ 691.1—691.1001).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

NPDES Permit No. PA0112623, Industrial Waste, **J. J. Bucher Producing Corporation**, 108 Pleasant Street, Bolivar, NY 14715-1015. This existing facility is located in Shinglehouse Borough, **Potter County**.

Description of Proposed Action/Activity: Authorization for an existing discharge to Oswayo Creek.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an 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 Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in 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 to 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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> |
|-------------------------|--|---------------|-------------------------|---------------------------------------|
| PAS10D123 | Ashley Development Corporation 559 Main Street, Suite 300 Bethlehem, PA 18018 | Bucks | Springfield Township | Cooks Creek (EV) |
| PAS10G396 | General Residential Properties, Inc. 666 Exton Commons Exton, PA 19341 | Chester | Charlestown Township | Pigeon Creek (HQ-TSF) |
| PAS10G485 | Newlin Homes 1657 Warpath Road West Chester, PA 19347 | Chester | Londonderry Township | East Branch Big Elk Creek (HQ-TSF-MF) |
| PAS10G487 | Suburbia Shopping Center, LP 1030 West Germantown Pike P. O. Box 19409 Fairview Village, PA 19409 | Chester | North Coventry Township | Pigeon Creek (HQ-TSF) |
| PAS10G497 | Roger Evans 135 Watson Mill Road Landenberg, PA 19350 | Chester | New London Township | Tributary to Hodgson Run (HQ-TSF-MF) |
| PAS10G503 | Kings Tables 70 King Road Honey Brook, PA 19344 | Chester | Honey Brook Township | West Branch Brandywine Creek (HQ-TSF) |

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> |
|-------------------------|---|---------------|---------------------------------|----------------------------|
| PAS10S021-R1 | Blue Mountain Lake Associates, L.P. 1 Blue Mountain Lake East Stroudsburg, PA 18301 | Monroe | Stroud and Smithfield Townships | Sambo Creek HQ-CWF |
| PAS10U163 | T & S Development Corp. 623 Selvaggio Dr. Suite 200 Nazareth, PA 18064 | Northampton | Palmer and Bethlehem Townships | Bushkill Creek HQ-CWF |

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent 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 this Commonwealth; (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 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-1

| <i>Facility Location & Municipality</i> | <i>Approval No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|--|---------------------|---|--|--|
| Venango County Allegheny and President Townships | 6194001 | James L. Beck 15852 Pleasant Valley Drive Pleasantville, PA 16341 | Allegheny River (WWF) and an unnamed tributary to Pithole Creek (CWF) | Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 (814) 332-6860 |

General Permit Type—PAG-2

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|--|-------------------|--|---|---|
| Concord Township Delaware County | PAR10J234 | Carousel Toyota Auto Sales 1360 Wilmington Pike West Chester, PA 19382 | West Branch Chester Creek (TSF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Bethel Township Delaware County | PAR10J236 | Belmont LLC 100 Baltimore Pike P. O. Box 100 Chadds Ford, PA 19317 | Webb Creek (TSF); Beaver Creek (WWF) and South Branch Naamans Creek (WWF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| West Norriton Township Montgomery County | PAR10T844 | Hanover Hills Inc. 484 Norristown Road Blue Bell, PA 19422 | Stony Creek (WWF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |

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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> |
|---|-------------------|--|--|---|
| Limerick Township Montgomery County | PAR10T819 | Heritage Building Group 3326 Old York Rd, Suite A100 Furlong, PA 18925 | UNT to Schuylkill River (TSF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Lower Merion Township Montgomery County | PAR10T818 | Fenimore LP, Pohlig Bldrs. 274 West Lancaster Avenue Malvern, PA 19355 | UNT of Schuylkill River (WWF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Franconia Township Montgomery County | PAR10T801 | Souderton Area School District 1250 South Broad Street Lansdale, PA 19446 | East Branch of Perkiomen Creek (TSF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Montgomery Township Montgomery County | PAR10T798 | Lowe's Home Centers, Inc. Highway 268 East North Wilkesboro, NC 28659 | Tributary to Neshaminy Creek (WF—M) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Pennsburg Township Montgomery County | PAR10T808 | Donald Albitz 239 West Eight Street Pennsburg, PA | UNT to Green Lane Reservoir (WWF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Plymouth Township Montgomery County | PAR10T800 | William Peter Cross 650 Sentry Parkway, Suite 1 Blue Bell, PA 19422 | Tributary to Plymouth Creek (WWF) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Norristown Borough/Plymouth Township Montgomery County | PAR10T805 | PH Sentry Associates, Inc. 100 Sandy Street Norristown, PA 19401 | Schuylkill River (WWF—M) | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Lackawanna County S. Abington Township | PAR10N134 | Michael Noto P. O. Box 716 Waverly, PA 18471 | Ackerly Creek CWF | Lackawanna County Conservation District (570) 281-9495 |
| Northampton County Lower Mount Bethel Township | PAR10U173 | Lower Mount Bethel Energy LLC 11350 Random Hills Rd. Suite 400 Fairfax, VA 22030 | Delaware River WWF, MF | Northampton County Conservation District (610) 746-1971 |
| Schuylkill County W. Penn Township | PAR105812 | Timber Ridge Dev. Curtis J. Bailey R. D. 2 Box 164 New Ringgold, PA 17960 | Lizard Creek TFF | Schuylkill County Conservation District (570) 622-3742 |

| <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> |
|--|-------------------|---|---|--|
| Wyoming County Falls and Overfield Townships | PAR107616 | Al Jubinski P. O. Box 440 Dalton, PA 18414 | Unnamed tributary to Beaver Creek CWF | Wyoming County Conservation District (570) 836-2589 |
| Lackawanna County Scranton | PAR10N131 | David Swisher Martz Tower Bldg. 46 Public Square Suite 600 Wilkes-Barre, PA 18701 | Lackawanna River WWF | Lackawanna County Conservation District (570) 281-9495 |
| Northampton County Williams Township | PAR10U171 | Stanton Properties 339A Amwell Rd. P. O. Box 399 Hillsborough, NJ 08844 | Unnamed tributary to Delaware River WWF | Northampton County Conservation District (610) 746-1971 |
| Upper Allen Township Cumberland County | PAR10H278 | Lancaster Development Co. Rossmoyne Ind. Park Lot D-11 1853 William Penn Way Lancaster, PA 17605 | Cedar Run CWF | Cumberland County Conservation District 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812 |
| Douglass Township Berks County | PAR10C385 | John B. Haines Reading Materials, Inc. P. O. Box 79 Skipack, PA 19474 | UNT to Schuylkill River WWF | Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657 |
| Windsor Township Berks County | PAR10C401 | Angelo Corrado Angelo Corrado Homes Inc. 271 Berger Road Kutztown, PA 19530 | Schuylkill River WWF | Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657 |
| Muhlenberg Township Berks County | PAR10C405 | Frank Sabatucci 605 N. Temple Blvd. Temple, PA 19560 | Laurel Run MF/WWF | Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657 |
| Manor Township Lancaster County | PAR10O085 | Two Holdings/Turkey Hill Dairy 2601 River Road Conestoga, PA 17516 | Wissler Run HQ/WWF | Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 19601 |
| Centre County Burnside and Snow Shoe Townships | PAR10F156 | Litke Tract 706 SGL 255 Airport Rd. P. O. Box 1378 Indiana, PA 15701 | Little Sandy Run CWF | Centre County Conservation District 414 Holmes Ave., St. 4 Bellefonte, PA 16823 (814) 355-8696 |
| Tioga County Morris Township | PAR106640 | Babb Creek Watershed Assoc. 2538 Rt. 405 Hwy. Muncy, PA 17756 | Point Run, Black Run, tributary to Stony Fork and Babb Creek CWF | Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801 |

NOTICES

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

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|--|-------------------|--|--|--|
| Allegheny County Franklin Park Borough | PAR10A539 | Precision Equities, Inc. 120 Brennan Lane Evans City, PA 16033 | Lowries Run/TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McCandless Township | PAR10A551 | North Park Evangelical Presbyterian Church 600 Ingomar Road Wexford, PA 15090 | Pine Creek/CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Indiana Township | PAR10A553 | Bozzone Residence 103 Brilliant Avenue Pittsburgh, PA 15215 | UNT Cunningham Run/CWF | Allegheny County Conservation District (412) 241-7645 |
| Cambria County Cresson Township | PAR101082 | Mount Aloysius College 7373 Admiral Perry Highway Cresson, PA 16630 | N. Branch Little Conemaugh River/CWF | Cambria County Conservation District (814) 472-2120 |
| Washington County Chartiers Township | PAR10W204 | Chartiers Township 2 Buccaneer Drive Houston, PA 15342 | UNT Chartiers Creek/ WWF | Washington County Conservation District (724) 228-6774 |
| McKean County Lafayette Township | PAR104110 | IA Construction Corporation P. O. Box 568 Franklin, PA 16323 | Kinzua Creek (CWF) | Department of Environmental Protection 230 Chestnut Street Meadville, PA 16335 (814) 332-6942 |

General Permit Type—PAG-3

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---|-------------------|--|--|---|
| Luzerne County Hazle Township | PAR122210 | Hershey Foods Corp. P. O. Box 340 Hazleton, PA 18201 | Stoney Creek drainage basin to Black Creek CWF Unnamed tributary to Tomhicken Creek CWF | DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511 |
| Lackawanna County Moosic Borough | PAR802220 | Consolidated Freightways—WKB 500 Rocky Glen Rd. Avoca, PA 18641 | Lackawanna River TSF | DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511 |
| York County Manchester Township | PAR803578 | Consolidated Freightways, Inc. YKP Facility P. O. Box 871510 Vancouver, WA 98687-1510 | UNT to Codorus Creek WWF | DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| York County Hellam Township | PAR213543 | Hoover-Wilbert Burial Vault Co., Inc. 216 Gartner Lane York, PA 17402 | UNT to Kreutz Creek WWF | DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

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> |
|---|-------------------|---|----------------------------|---|
| Berks County Maxatawny Township | PAG043512 | Linda and Michael Bunner 1248 Clearview Circle Allentown, PA 181103 | Mill Creek CWF | DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---|-------------------|--|--------------------------------------|---|
| Waterford Township Erie County | PAG048423 | John W. and Constance Lavery 12885 McGahan Hill Road Waterford, PA 16441 | Unnamed tributary of French Creek | DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-5

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---|-------------------|---|---------------------------------|---|
| Fulton County Ayr Township | PAG053560 | Getty Properties Corp. 125 Jericho Turnpike Jericho, NY 11753 | UNT to Big Cove Creek WWF | DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Manheim Borough | PAG053503 | Sunoco, Inc. (R&M) P. O. Box 1135 Marcus Hook, PA 19061 | Chickies Creek WWF | DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| City of Washington Washington County | PAG056170 | COEN Oil Company 1100 West Chestnut Street Washington, PA 15301 | Chartiers Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

General Permit Type—PAG-8

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Contact Office & Telephone No.</i> |
|--|-------------------|--|--|
| Lower Heidelberg Township Berks County | PAG083567 | Borough of Sinking Springs WWTP 2305 Reedy Road Sinking Springs, PA 19608-9661 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |
| Reading City Berks County | PAG083502 | Joint Municipal Authority of Wyomissing Valley/Berks County 701 Old Wyomissing Road Reading, PA 19611 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |
| Manchester Township York County | PAG083501 | York City Sewer Authority c/o Blakey, Yost, Bupp & Hershner 17 East Market Street York, PA 17401 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |

General Permit Type—PAG-9

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Contact Office & Telephone No.</i> |
|---|-------------------|---|--|
| Southampton Township Franklin County | PAG093502 | Lamar K. Wadel Septic Service 6734 White Church Road Shippensburg, PA 17257 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |
| Washington Township York County | PAG093501 | Young's Sanitary Septic Service Inc. P. O. Box 704 Dillsburg, PA 17019 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (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> |
|---|-------------------|--|---|---|
| Statewide use | PAG109610 | Williams Gas Pipeline—Transco 2800 Post Oak Blvd. P. O. Box 1396 Houston, TX 77251-1396 | Statewide use. Water body information to be provided to the Department before discharge | DEP Central Office 400 Market Office Harrisburg, PA 17105 (717) 787-8184 |

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 an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in 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 to 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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. 1501507, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Phoenixville Borough Water Department 140 Church Street Phoenixville, PA 19460 |
| Borough | Phoenixville |
| County | Chester |
| Type of Facility | PWS System |
| Consulting Engineer | Tony Fernandes Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010 |

Permit to Construct Issued March 8, 2002

Operations Permit issued to **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974, Warminster Township, **Bucks County** on March 8, 2002.

Operations Permit issued to **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warminster, PA 18976, Solebury Township, **Bucks County** on March 8, 2002.

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

Permit No. 4101501, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Vernon S. Pettengill, Owner Hidden Valley Mobile Home Park |
| Township | Woodward Township |
| County | Lycoming |
| Type of Facility | PWS |
| Consulting Engineer | Richard W. Marcinkevage, P.E. 431 South Jones Street Lock Haven, PA 17745 |

Permit to Construct Issued March 12, 2002

Permit Minor Amendment, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Williamsport Municipal Water Authority 253 West Fourth Street Williamsport, PA 17701 |
| Township | Old Lycoming |
| County | Lycoming |
| Type of Facility | PWS |
| Consulting Engineer | Malcolm Pirnie Inc. 40 Centre Drive P. O. Box 1938 Buffalo, NY 14219-0138 |

Permit to Construct Issued March 11, 2002

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

Operations Permit #1696501 issued to **West Freedom Water Association**, 3293 Lime Plant Road, Parker, PA 16049, Perry Township, **Clarion County** on March 4, 2002.

Permit #2594501-MA7, Minor Amendment. Public Water Supply.

| | |
|-----------|---|
| Applicant | Erie City Water Authority 340 West Bayfront Parkway Erie, PA 16507 |
|-----------|---|

Borough or Township City of Erie
 County **Erie**
 Type of Facility PWS
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205.
 Permit to Construct March 12, 2002
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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> |
|----------------------------|---|---------------|
| Pine Grove Township | 175 Oak Grove Rd. Pine Grove, PA 17963 | Schuylkill |

Plan Description: The approved plan provides for a 39 unit residential development, proposed by C. H. Klinger, Inc., on an 18.59-acre tract of land. The project is located on the south side of T-404A, 1/4 mile from the intersection of SR 3002 in Pine Grove Township, Schuylkill County. The total sewage flow will be 15,600 gpd based on 39 dwelling units at 400 gpd/unit. The proposed sewage disposal method is an interim package treatment plant that will provide the development with 39 EDUs of capacity until public sewage capacity is available for the entire development. It is anticipated that the plant would remain in operation for less than 5 years. C. H. Klinger, Inc. would own, operate and maintain the facility until public sewage is available and at that point the plant would be decommissioned in accordance with an agreement between the developer and Pine Grove Township. Water supply will be provided by Pine Grove Borough's public water system. Any required NPDES Permits or WQM Permits must be obtained in the name of C. H. Klinger, Inc.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Prospective Purchaser Agreement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), among other statutes, has entered into a Prospective Purchaser Agreement with Longstreth Sporting Goods, Inc. and Parkerford Property, Inc. (collectively Longstreth) related to the Recticon/Allied Steel National Priority List Site in Parkerford, PA.

Under the terms of the Prospective Purchaser Agreement, Longstreth, in addition to providing access to the Department for response actions, will make a contribution towards the Department's costs and agrees not to exacerbate any existing contamination attributable to the Recticon/Allied Steel Site in exchange for a covenant not to sue and contribution protection from the Department.

Copies of the full Prospective Purchaser Agreement are maintained in the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA, 19428 and may be viewed or obtained by contacting Anderson Lee Hartzell at (610) 832-6300 during normal business hours. A 60 day public comment period will follow the date of publication of this notice and the Department has reserved the right to withdraw from the Prospective Purchaser Agreement in the event that comments submitted during the comment period disclose facts or considerations which indicate to the Department, in its discretion, that the Prospective Purchaser Agreement is inappropriate, improper or not in the public interest. Interested parties may submit comments in writing to Anderson Lee Hartzell at the Department's Southeast Regional Office.

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:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428

Franconia Mennonite Board of Missions and Charities, Hilltown Township, **Bucks County**. Seth Frankhauser, Storb Environmental, Inc., 410 Easton Road, Willow Grove, PA 19090, on behalf of Franconia Mennonite Board of Missions and Charities, 771 Route 113, Souderton, PA 18964, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

James Spring & Wire Company, East Whiteland Township, **Chester County**. Christopher Orzechowski,

RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of James Spring & Wire Co., 6 Bacton Hill Rd., Frazer, PA 19355, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site groundwater contaminated with heavy metals, solvents and cadmium.

Indian Springs Day Camp, West Pikeland Township, **Chester County**. Peter A. Malik, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Indian Springs Day Camp, Inc., 23 Roberts Rd., Newtown Square, PA 19073, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Dennis Fish, Landscape and Design Contractor, Lower Salford Township, **Montgomery County**. Douglas G. Beaver, P.G., Rare Earth Envirosciences, Inc., 501 Old Skippack Rd., P. O. Box 445, Lederach, PA 19450, on behalf of Dennis Fish, 501 Old Skippack Rd., Lederach, PA 19450, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Bishop Residence, Whitpain Township, **Montgomery County**. Charles McGuth, Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and is intended to document remediation of the site to meet the Statewide Health Standard.

Sorbees International, City of Philadelphia, **Philadelphia County**. James F. Mullan, P.E., Hocage Consulting, Inc., 212 Haddon Ave., Westmont, NJ 08108, on behalf of Elliot Stone, 9990 Global Rd., Philadelphia, PA has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Philadelphia Regional Port Authority Pier 80, South Annex, City of Philadelphia, **Philadelphia County**. James G. Gallagher, P.E., Pennoni Associates, Inc., 950 Clifton Ave., Clifton, NJ 07013-2790, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Philadelphia Regional Port Authority Tioga Maintenance Building and Carpenters Shop, City of Philadelphia, **Philadelphia County**. James G. Gallagher, P.E., Pennoni Associates, Inc., 950 Clifton Ave., Clifton, NJ 07013-2790, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Eastman Chemical Company, City of Philadelphia, **Philadelphia County**. Douglas E. Kier, P.G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972, on behalf of Eastman Chemical Co., 7600 State Rd., Philadelphia, PA 19136, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons; and ground-

water contaminated with BTEX, polycyclic aromatic hydrocarbons and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health, Background and Site-Specific Standards.

Metal Bank State Road, City of Philadelphia, **Philadelphia County**. Edward W. Kleppinger, EWK Consultants, 2454 Royal St., New Orleans, LA 70117, on behalf of U.C.O.—M.B.A. Corp. c/o Mattioni Ltd., 399 Market St., Philadelphia, PA 19106, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with PCBs. The Report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

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

Former Open Gate Hotel, Bethlehem Township, **Northampton County**. Lori A. Girvan, Environmental Scientist, Barry Isett & Associates, Inc., 85 S. Route 100 and Kressler Lane, P. O. Box 147, Trexlertown, PA 18087 submitted a Final Report (on behalf of Nazareth National Bank, 3864 Adler Place, Bethlehem, PA 18017) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted to demonstrate attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

Federal Mogul Corporation, Weatherly Borough, **Carbon County**. Jeffrey A. Hassen, P.G., Senior Project Director, Environmental Strategies Corporation, 4 Penn Center West, Suite 315, Pittsburgh, PA 15276 has submitted a combined Remedial Investigation Report and Final Report (on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034) concerning the remediation of site groundwater found or suspected to have been contaminated with solvents. The reports were submitted under a combination of the Statewide health and site-specific standards.

PPL Utilities—Former Penn Fuel Gas Manufactured Gas Plant (Jim Thorpe site), Mahoning Township, **Carbon County**. RETEC, 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Cleanup Plan (on behalf of PPL Utilities, Environmental Management Division, Two North Ninth Street, Allentown, PA 18101-1179) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with metals, phenolic compounds, cyanide, polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The report was submitted in partial fulfillment of a combination of both the Statewide health and site-specific standards.

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

General Cigar, City of Lancaster, **Lancaster County**. Fuss & O'Neill, Inc., 146 Hartford Road, Manchester, CT 06040-5921, on behalf of Brown & Williamson Tobacco, 209 Pitney Road, Lancaster, PA and General Cigar Holdings, Inc., 35 Griffin Road South, Bloomfield, CT 06002-1398, submitted a final report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to the Statewide Health Standard.

Hao Van Nguyen Residence, Borough of New Holland, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Hao Van Nguyen, 35 North Kinzer Avenue, New Holland,

PA 17557 and Richard T. Wimer, 431 Springville Road, Quarryville, PA 17566, submitted a final report concerning remediation of site soils contaminated with PHCs. The report is intended to document remediation of the site to the Statewide Health Standard.

Capitol Heights Project, City of Harrisburg, **Dauphin County**. Apex Environmental, Inc., 220 North Park Road, Reading, PA 19610, on behalf of Streuver Rouse Homes, 1040 Holl Street, Suite 200, Baltimore, MD 21230, submitted a final report concerning remediation of site soils contaminated with BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Kreamer Property, Penn Township, **Snyder County**. Pennsylvania Tectonics, Inc., on behalf of Dennis and Gloria Kreamer, Route 522, Selinsgrove, PA 17870 has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

DuBois Bulk Plant (Petrolec), City of DuBois, **Clearfield County**. Environmental Remediation & Recovery, Inc. (ER&R), on behalf of Russell Real Estate, R. D. 1, Box 179, Curwensville, PA 16833, has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with BTEX and PAHs. This report has been submitted in partial fulfillment of the Special Industrial Requirements.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summa-

ries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Dorothy Logan Residence, Plains Township, **Luzerne County**. David R. Crowther, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a combined Remedial Investigation Report and Final Report (on behalf of Dorothy Logan, Mill Street, Plains, PA 18705) concerning the characterization and remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The reports were submitted to demonstrate attainment of the site-specific standard and were approved on February 21, 2002.

PPL Former Stanton Steam Electric Station, Exeter Township, **Luzerne County**. USFilter Engineering and Construction, State College, PA submitted a Final Report (on behalf of PPL Generation, LLC, 2 North Ninth Street, Allentown, PA, 18101) concerning the remediation of site soils found or suspected to have been contaminated with PCBs, metals, solvents and BTEX compounds. The report demonstrated attainment of the Statewide health standard and was approved on February 19, 2002.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Dillon Floral Corporation, Scott Township, **Columbia County**. EarthRes Group, Inc. on behalf of Dillon Floral Corporation, P. O. Box 180, Bloomsburg, PA 17815, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with dieldrin (pesticides). The Remedial Investigation Report was submitted in partial fulfillment of the Site-Specific Standard and was approved by the Department on March 12, 2002.

Kreamer Property, Penn Township, **Snyder County**. Pennsylvania Tectonics, Inc., on behalf of Dennis and Gloria Kreamer, Route 522, Selinsgrove, PA 17870, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The Final Report submitted within 90 days of the release demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations for post-closure care of a hazardous waste landfill.

Intent to Issue a Post-Closure Permit

Southwest Region: Division of Municipal and Residual Waste, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD987335379. Babcock and Wilcox Company, 20 South Van Buren Avenue, Barberton, OH, 44203-0351. B&W EAF Dust Landfill, Mount Street, Koppel Steel Mill, Koppel, PA 16136. Post-closure care of a closed hazardous waste landfill located in Koppel and Big Beaver Boroughs, **Beaver County**. The application for a post-closure permit was considered for intent to approve by the Regional Office on March 15, 2002.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

RESIDUAL WASTE GENERAL PERMITS

Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR036. Puralube (Pennsylvania), Inc., 435 Devon Park Drive, Wayne, PA 19087. This general permit was issued in 1997 for the processing of used crankcase and similar oils into lube oil products, No. 2 fuel oil and asphalt. The approved facility was never constructed. Based on Puralube's failure to satisfy the bonding requirements that were part of the general permit, the Department has revoked Puralube's general permit. This action was taken in the Central Office on October 30, 2001.

Permits Denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR077. Perry County Recycling Corporation, R. D. 3, Box 191,

Newport, PA 17074. General Permit application numbered WMGR077 was proposed for the processing and beneficial use of asphalt shingles as aggregate for road and driveway construction. The general permit application was determined incomplete and denied by the Central Office on March 8, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Terminated 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 No. 602787. Clearfield Municipal Authority, 107 East Market Street, Clearfield, PA 16830, for Comkey III Farm located in Lawrence Township, **Clearfield County**. Permit for the land application of sewage sludge. The permit was terminated by the Williamsport Regional Office on March 4, 2002.

Persons interested in reviewing the permit may contact John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

Permit No. 301269. The Tire Shredder, Inc., 6374 A.V.R. R., Pittsburgh, PA 15201. Operation of a waste tire processing facility in City of Pittsburgh, **Allegheny County**. Permit terminated at the request of the operator in the Regional Office on March 5, 2002.

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.

GP7-67-03033A: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331-9581) on March 7, 2002, was authorized to operate a sheetfed offset lithographic printing press under GP7 in Penn Township, **York County**.

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

GP5-65-00945: Dominion Exploration and Production, Inc. (16945 North Chase Drive, Suite 1750, Houston, TX 77060) on March 7, 2002, for construction and operation of one Caterpillar, Model No. G3516LE, Natural Gas-Fired Compressor Engine rated at 1285 bhp and one Natco, Model No. 5GR-150KR40, Glycol Dehydrator, rated at 0.150 mmBtu/hr at the Bell Point Compressor Station in Bell Township, **Westmoreland County**.

GP5-32-00355A: Dominion Peoples (625 Liberty Avenue, Pittsburgh, PA 15222) on March 11, 2002, for construction and operation of a Caterpillar, Model 3512LE 810 Bhp Compressor Engine at Egrey Compressor Station in Conemaugh Township, **Indiana 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.

46-0037H: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on March 8, 2002, for operation of an acid gas scrubber in Douglass Township, **Montgomery County**.

46-0037D: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on March 8, 2002, for operation of a production of Ta and Nb products in Douglass Township, **Montgomery County**.

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

40-318-052: Allsteel, Inc. (Valmont Industrial Park, 425 Jaycee Drive, West Hazleton, PA 18202) on March 5, 2002, for construction of two paint spray booths and associated air cleaning devices in Hazle Township, **Luzerne County**.

13-318-006: Kovatch Mobile Equipment Corp. (One Industrial Complex, Nesquehoning, PA 18240) on March 5, 2002, for construction of four paint spray booths and one sand blast booth and the associated air cleaning devices in Nesquehoning Borough, **Carbon County**.

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

05-03010A: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on March 6, 2002, for installation of a triple deck vibrating screen controlled by wet suppression at the existing limestone crushing and screening plant in Snake Spring Township, **Bedford County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

07-310-025B: Grannas Brothers Stone and Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648) on March 6, 2002, for installation of a limestone crushing unit controlled by wet suppression at the existing limestone crushing and screening plant in Catharine Township, **Blair County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

36-03056A: Weaver Industries, Inc. (425 South Fourth Street, Denver, PA 17517) on March 8, 2002, for replacement of an existing dust collector with a cartridge dust collector in Denver Borough, **Lancaster County**.

67-03028A: DENTSPLY International Trubyte Division (570 West College Avenue, York, PA 17405-0872) on March 8, 2002, for construction of a new electroplating unit controlled by a multi-stage mist eliminator at its

facility in the City of York, **York County**. This facility is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

67-03041B: County Line Quarry, Inc. (740 South Front Street, Wrightsville, PA 17368) on March 1, 2002, for construction of a cone crusher, quad deck screen and associated conveyors controlled by a fabric filter and water suppression at the Wrightsville Quarry in Hellam Township, **York County**. The facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

67-05004D: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on February 28, 2002, for installation of a brownstock washing and screening system and an oxygen delignification system on the hardwood pulping line at the Spring Grove Mill in Spring Grove Borough, **York County**. This facility is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry and 40 CFR Part 60, Subpart BB—Standards of Performance for Kraft Pulp Mills.

67-05066A: Surtech Industries, Inc. (125 Derry Court, York, PA 17402) on March 5, 2002, for relocation of four paint booths, three screen printing presses and a burn off oven from its industrial manufacturing site in Manchester Township, **York County** to a new facility in the City of York, **York County**.

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

11-00252A: C and C Smith Lumber (197 Tower Road, Summerhill, PA 15958) for installation of sawdust dehydration unit upgrade at Wood Pallets Plant in Croyle Township, **Cambria County**.

56-00266B: Central City Synfuel, LLC (P. O. Box 137, Central City, PA 44481) for installation of Synfuel manufacturing at Central City Plant in Shade Township, **Somerset County**.

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

43-011B: Greenville Metals, Inc. (99 Crestview Drive Extension, Transfer, PA 16154) on March 4, 2002, for operation of the ARC Melt Shop and FAP Buildings in Pymatuning Township, **Mercer County**.

43-011C: Greenville Metals, Inc. (99 Crestview Drive Extension, Transfer, PA 16154) on March 4, 2002, for operation of an electric induction furnace in Pymatuning Township, **Mercer County**.

43-326A: Buckeye Leasing Inc.—City Slag Quarry (Ohio Street, Hermitage, PA 16148) on February 26, 2002, for operation of a slag processing facility in Hermitage, **Mercer County**.

42-198A: Elkhorn Field Services—Kane Plant (Clay Street, Kane, PA 16735) on March 6, 2002, for construction of a gas processing plant in Wetmore Township, **McKean County**.

62-141D: National Fuel Gas Supply Corp.—Roystone Station (Star Route Box 574, Sheffield, PA 16347) on March 5, 2002, for modifications to the Roystone Station in Sheffield Township, **Warren County**.

10-208C: Paragon Trade Brands, Inc. (Zeigler Street, Harmony, PA 16037) on March 6, 2002, for construction of a training pant manufacturing line in Harmony, **Butler County**.

24-120A: Dominion Transmission Corp.—Ardell Station (State Route 2004, Ridgway, PA 15853) on March 6, 2002, for modifications to Plan Approval 24-120A in Benezette Township, **Elk 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.

46-327-017: SPS Technologies, Inc. (Highland Avenue, Jenkintown, PA 19046) on March 5, 2002, for operation of a vapor degreaser in Abington Township, **Montgomery County**.

15-0083: D'Anjolell Memorial Home (392 Lancaster Avenue, Frazer, PA 19355) on March 7, 2002, for operation of a human crematory in East Whiteland Township, **Chester County**.

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on March 7, 2002, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

46-0043: Glasgow, Inc. (Conshohocken Road, Conshohocken, PA 19428) on March 7, 2002, for operation of an asphalt plant and quarry in Plymouth Township, **Montgomery County**.

15-0021: Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) March 7, 2002, for operation of an asphalt plant and quarry in East Whiteland Township, **Chester County**.

46-0186: Tri-Valley Crematory (665-667 Harleysville Pike, Franconia, PA 18924) on March 7, 2002, for operation of a crematory incinerator in Franconia Township, **Montgomery County**.

15-0098A: Rhodia ChiRex America Inc. (383 Phoenixville Pike, Malvern, PA 19355) on March 7, 2002, for operation of an emergency generator in Charlestown Township, **Chester County**.

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

36-05082A: Clark Filter (3649 Hempland Road, Lancaster, PA 17601) on February 21, 2002, for construction of a vacuum pleater oven controlled by a catalytic oxidizer in West Hempfield Township, **Lancaster County**. This plan approval was extended.

67-05016D: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331-0877) on March 10, 2002, for operation of two Tundish Ladles controlled by a fabric collector at its Plant No. 3 in Hanover Borough, **York County**. This plan approval was extended.

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

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) on March 1, 2002, to extend the

plan approval expiration date for construction of a fluidized bed hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quencher, venturi scrubber, trade tower scrubber and wet electrostatic precipitator) to March 1, 2003, at the Cherokee Plant in Riverside Borough, **Northumberland County**.

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

65-891B: Firestone Building Products Co. (525 Congressional Boulevard, Carmel, IN 46032) on March 7, 2002, for replacement of HCFC-141B w/pentane and install thermal at the Youngwood Plant in Youngwood Borough, **Westmoreland County**. 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.

23-00021: Congoleum Corp. (4401 Ridge Road, Trainer, PA 19061) on March 5, 2002, for operation of a Facility Title V Operating Permit in Trainer Borough, **Delaware County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

11-00318: Ebensburg Power Co. (2840 Germany Road, PA 15931) for operation of their Cogeneration Power Plant in Cambria Township, **Cambria County**. Process operations used at this site to generate electricity are a waste coal-fired circulating fluidized bed boiler, a natural gas fire auxiliary boiler, three emergency diesel sources and ancillary systems that include the fuel handling crushing and storage, limestone and ash storage/handling and some other insignificant sources.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-03011: Wilbur Chocolate Co., Inc. (48 North Broad Street, Lititz, PA 17543-1005) on March 8, 2002, for operation of a sugar processing operation at its headquarters in Lititz Borough, **Lancaster County**.

36-03133: Spanglers Flour Mill (19 North Market Street, Mount Joy, PA 17552) on March 5, 2002, for operation of its flour milling operation in Mount Joy Borough, **Lancaster County**.

67-03059: Hill Street Veterinary Hospital (555 Hill Street, York, PA 17403) on March 8, 2002, for operation of an animal incinerator controlled by an afterburner in Spring Garden Township, **York County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

95-054: Amerada Hess Corp. (1630 South 51st Street, Philadelphia, PA 19143) on March 5, 2002, for operation

of a gasoline terminal in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three gasoline storage tanks, 11 distillate and additive storage tanks, a gasoline loading rack with a vapor recovery unit, a distillate and residual oil loading rack and marine loading of distillate and residual oil.

AMS reissued the synthetic minor operating permit originally issued on June 15, 1998, to modify the monitoring method for the loading rack vapor recovery unit from weekly checks with a portable analyzer to the use of a continuous emissions monitor. The reissued operating permit also included a minor modification of the operating permit as per 25 Pa. Code § 127.462 to allow the following increases in throughputs: adding marine loading of 42 million gallons per rolling 12-month period (gpy) of distillate and residual fuel oil (increases VOC emissions by 0.25 ton per rolling 12-month period (tpy)); increasing the gasoline loading rack throughput from 110 million gpy to 123 million gpy (increases VOC emissions by 0.98 tpy); and increasing the distillate and residual oil loading rack throughput from 110 million gpy to 152 million gpy (increases VOC emissions by 0.51 tpy). After these increases (1.74 tpy VOC total), the facility's potential VOC emissions remain less than 25 tpy. The reissued operating permit also included an administrative amendment as per 25 Pa. Code § 127.450 to update contact information.

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.

15-313-050A: Rhodia ChiRex America, Inc. (383 Phoenixville Pike, Malvern, PA 19355) on March 7, 2002, for operation of reactors, centrifuge and a scrubber in Charlestown Township, **Chester County**.

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

25-00971: Erie Plating Co. (656 West 12th Street, Erie, PA 16501) for an administrative amendment to the previously issued Natural Minor Operating Permit for metal plating and polishing operations in the City of Erie, **Erie County**.

43-00170: Werner Co. (93 Werner Road, Greenville, PA 16125) for an administrative amendment to their Title V Operating Permit on March 7, 2002, to include conditions from Plan Approval 43-170D for the Pultrusion Process (Source 5024) at their Greenville facility in Sugar Grove Township, **Mercer County**. The Title V Operating Permit was originally issued on June 6, 2000, and amended on July 13, 2000, and November 13, 2000.

61-00004: Electralloy, A GO Carlson Inc. (P. O. Box 381, 175 Main Street, Oil City, PA 16301) for an administrative amendment to their Title V Operating Permit on March 7, 2002, to incorporate conditions from Plan Approval 61-004B for the Granular Metal process (Source 112) at their Oil City facility in Oil City Township, **Venango County**. The Title V Operating Permit was originally issued on October 14, 1997, and revised on February 24, 1999.

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

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

17970109 and NPDES Permit No. PA 0220647. M. B. Energy, Inc., P. O. Box 1319, Indiana, PA 15701-1319. Major permit revision on an existing bituminous surface mine permit for a Change in Permit Acreage from 224.6 to 283.3 acres. The permit is located in Chest Township, **Clearfield County**. Receiving streams: unnamed tributaries of Chest Creek to Chest Creek to the West Branch of the Susquehanna River. Application received August 17, 2001. Permit issued March 6, 2002.

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

11970101 and NPDES Permit No. PA0234389. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722. Permit renewal for continued operation of a bituminous surface mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 93.0 acres. Receiving streams: Powell Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 15, 2002. Permit issued: March 4, 2002.

56703107 and NPDES Permit No. PA0605956. Hoffmann Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit Revision for a stream variance for the purpose of construction of erosion and sedimentation facilities and a stream crossing on unnamed tributary "A" of Kaufman Run and a small side flow "Z" of the unnamed tributary "A." The encroachment areas begins approximately 40 feet before the junction of S.R. 0601 and the unnamed tributary "A" and continues upstream approximately 600 feet. The encroachment area on flow "Z" starts 25 feet before its juncture with the unnamed tributary "A" and continues upstream 330 feet. Permit Revision for a road variance to conduct surface mining activities within 100 feet of S.R. 0601, beginning at a point 3900 feet northeast of the intersection of S.R. 0601 and S.R. 4039 then continuing along the south side of S.R. 0601 approximately 2,900 feet in Paint Township, **Somerset County**, affecting 863.0 acres. Receiving streams: unnamed tributary to Paint Creek; to Kaufman Run; to unnamed tributaries to Kaufman Run; to Stony Creek; and to Shade Creek classified for the following

uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 8, 2002. Permit issued March 6, 2002.

56960105 and NPDES Permit No. PA0234168, L. K. Mining, Inc., 323 Coalyard Road, Rockwood, PA 15557. Permit revision to add 1.4 acres to the existing 18.8-acre permit for additional mining of the Lower Freeport coal seam. Total SMP acres goes from 18.8 to 20.2. Also, a stream variance request is included in this proposal to conduct mining activities within 100 feet of an unnamed tributary to South Glade Creek beginning 1,060 feet upstream from the confluence with South Glade Creek and continuing upstream in a northeasterly direction approximately 1,220 feet in Milford Township, **Somerset County**. Receiving streams: unnamed tributary to South Glade Creek classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 21, 2000. Permit issued March 8, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

32971302. NPDES Permit #PA0215040, Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201), to revise the permit for the Parker Mine in Washington and Plumcreek Townships, **Indiana and Armstrong Counties** to add underground permit and subsidence control plan acres and surface permit acres and revise surface facilities, Surface Acres Proposed 31.4, Underground Acres Proposed 817.8, SCP Acres Proposed 817.8, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Dutch Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued March 4, 2002.

26961602. NPDES Permit #PA0214892, Bullsken Tipple Co. (200 College Drive, Lemont Furnace, PA 15456), to renew the permit for the Bullsken Tipple in Connellsville Township, **Fayette County**, renewal Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued: March 5, 2002.

30841307. NPDES Permit #PA0213438, RAG Emerald Resources, L.P. (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine in Franklin Township, **Greene County** to add 3,817 acres underground and 3,967 acres subsidence control plan to the permit and delete 150 acres from both the underground and subsidence control plan permit acres. This permit revision only authorizes development mining; it does not allow full extraction mining in the permit revision area. Surface Acres Proposed N/A, Underground Acres Proposed 3,817, SCP Acres Proposed 3,967, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued: March 6, 2002.

30841307. NPDES Permit #PA0213438, RAG Emerald Resources, L.P. (P. O. Box 1020, Waynesburg, PA 15370), to renew permit and approve Chapter 105 permit application and request for 401 Water Quality certification, submitted on December 21, 2001, to authorize the encroachment to 4,200 linear feet of Laurel Run (WWF)

and 5,220 feet of tributary streams to Laurel Run, resulting from surface subsidence associated with coal extraction; and encroachments to Laurel Run and its tributaries and temporary encroachments to 0.34 acre of wetlands for the purpose of restoring Laurel Run and its tributaries to premining conditions for the Emerald Mine in Franklin Township, **Greene County**, Oak Forest, PA Quadrangle (N: 19.8 inches; W: 4.9 inches) ACOE Pittsburgh District. Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Laurel Run, classified for the following uses: WWF, livestock water supply and wildlife water supply. There is no public water supply intake within 10 miles downstream of edge of underground permit area. Permit issued March 6, 2002.

Noncoal Permits Actions

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

58010854. Mi Desi Mine (1411 Vesta Drive, Harrisburg, PA 17112), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County**, affecting 2.0 acres. Receiving stream: Thomas Creek. Application received: November 21, 2001. Permit issued March 5, 2002.

58020801. P. Scott Baldwin (R. R. 1 Box 340G, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County**, affecting 1.0 acre. Receiving stream: East Branch Martins Creek. Application received January 11, 2002. Permit issued March 5, 2002.

52970301C and NPDES Permit #PA0223751. G. F. Edwards, Inc. (Box 174, Elmhurst, PA 18416), renewal of NPDES Permit in Greene Township, **Pike County**, receiving stream: Wallenpaupack Creek. Application received January 22, 2002. Renewal issued March 6, 2002.

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

25012804. Ray Showman Jr. Excavating, Inc. (12671 Route 19 South, Waterford, PA 16441), Commencement, operation and restoration of a small noncoal gravel and topsoil operation in LeBoeuf Township, **Erie County** affecting 5.0 acres. Receiving streams: French Creek. Application received September 27, 2001. Permit issued: February 26, 2002.

37000302 and NPDES Permit No. PA0241831. I. A. Construction Corporation (P. O. Box 8, Concordville, PA 19331), Commencement, operation and restoration of a limestone operation in Wayne Township, **Lawrence County** affecting 82.0 acres. Receiving streams: unnamed tributary to Connoquenessing Creek and unnamed tributary to Duck Run. Application received October 23, 2000. Permit issued February 27, 2002.

43010303. Buckeye Leasing, Inc. (8063 Southern Blvd., Youngstown, OH 44512), Commencement, operation and restoration of a Slag operation in Wayne Township, **Lawrence County** affecting 89.7 acres. Receiving streams: Shenango River. Application received April 11, 2001. Permit issued February 26, 2002.

Project Proposals Issued

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

EGS 07003, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treat-

ment system (north slope) for five abandoned acid mine discharges on 12 acres of the Angels Coal Trust (previously Cooney Brothers Coal Company) property located approximately 2 miles west of the Horseshoe Curve on the north side of S.R. 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received November 30, 2001. Project issued March 5, 2002.

EGS 07002, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treatment system (south tributary) for three abandoned acid mine discharges on 3 acres of the Altoona City Authority property located approximately 2 miles west of the Horseshoe Curve on the south side of S.R. 4008 in Allegheny Township, **Blair County**. The receiving stream is Glen White Run. Project was received November 30, 2001. Project issued March 5, 2002.

EGS 07004, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treatment system (Squatter Falls) for an abandoned acid mine discharge on 2 acres of the Altoona City Authority property located approximately 2 miles west of the Horseshoe Curve on the north side of S.R. 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received: November 30, 2001. Project issued March 5, 2002.

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.

15024008. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Nantmeal Township, **Chester County** with an expiration date of May 26, 22002. Permit issued March 4, 2002.

21024009. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Middlesex Township, **Cumberland County** with an expiration date of March 31, 2003. Permit issued March 4, 2002.

21024010. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Monroe Township, **Cumberland County** with an expiration date of April 30, 2002. Permit issued March 4, 2002.

21024011. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in Southampton Township, **Cumberland County** with an expiration date of July 31, 2002. Permit issued March 4, 2002.

21024012. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of July 31, 2002. Permit issued March 4, 2002.

21024013. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in Shippensburg Township, **Cumberland County** with an expiration date of September 30, 2002. Permit issued March 4, 2002.

22024003. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Upper Paxton Township, **Dauphin County** with an expiration date of May 31, 2002. Permit issued March 4, 2002.

28024007. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Greene Township, **Franklin County** with an expiration date of March 31, 2007. Permit issued March 4, 2002.

36024010. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of May 31, 2002. Permit issued March 4, 2002.

36024011. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Earl Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued March 4, 2002.

38024004. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of March 31, 2005. Permit issued March 4, 2002.

52024003. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Dingman Township, **Pike County** with an expiration date of March 31, 2007. Permit issued March 4, 2002.

06024005. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2003. Permit issued March 5, 2002.

06024006. Dick Corporation (3001 Lancaster Pike, Sinking Spring, PA 19608), construction blasting for SR-222 Highway Project in Cumru and Spring Townships, **Berks County** with an expiration date of December 15, 2002. Permit issued March 5, 2002.

21024015. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Shippensburg Borough, **Cumberland County** with an expiration date of March 31, 2007. Permit issued March 5, 2002.

21024016. John W. Gleim, Jr., Inc. (90 Stover Drive, Carlisle, PA 17013), construction blasting in Carlisle Borough, **Cumberland County** with an expiration date of July 15, 2002. Permit issued March 5, 2002.

28024005. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Chambersburg Borough, **Franklin County** with an expiration date of March 31, 2007. Permit issued March 5, 2002.

36024012. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Clay Township, **Lancaster County** with an expiration date of March 31, 2003. Permit issued March 5, 2002.

67024006. K. E. Shank, Inc. (700 Weldon Drive, York, PA 17404), construction blasting in West Manchester Township, **York County** with an expiration date of March 31, 2002. Permit issued March 5, 2002.

45024011. Explosive Services, Inc. (5 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of February 20, 2003. Permit issued March 6, 2002.

46024007. American Rock Mechanics (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Limerick Township, **Montgomery County** with an expiration date of July 28, 2002. Permit issued March 6, 2002.

46024008. Doli Construction Corp. (120 Independence Lane, Chalfont, PA 18914), construction blasting in Lower Merion Township, **Montgomery County** with an expiration date of July 5, 2002. Permit issued March 6, 2002.

46024009. Doli Construction Corp. (120 Independence Lane, Chalfont, PA 18914), construction blasting in Limerick Township, **Montgomery County** with an expiration date of July 5, 2002. Permit issued March 6, 2002.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in 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 to 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in 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 to 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

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

E51-198. Schuylkill Center for Environmental Education, 8480 Hagy's Mill Road, Philadelphia, PA 19128, City of Philadelphia, **County of Philadelphia**, ACOE Philadelphia District.

To construct and maintain a reservoir associated with the construction of the proposed Springhouse Pond Education Loop across two unnamed tributaries to the Schuylkill River (WWF). The applicant also seeks Environmental Assessment approval to construct the onstream nonjurisdictional dam. The project will impact approximately 110 linear feet of the stream. The site is located approximately 3,000 feet northeast of the intersection of Port Royal Avenue and River Road (Norristown, PA USGS Quadrangle N: 10.0 inches; W: 0.1 inch).

E15-680. East Caln Township, P. O. Box 232 Downingtown, PA 19335, East Caln Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the Norwood Road Bridge Crossing over an unnamed tributary of the East Branch Brandywine Creek (WWF-MF). The proposed construction will replace the 5.25 feet high by 15 feet wide stone, arch structure with a 35.5 linear feet of 4 feet high by 22 feet wide precast, bridge and associated wing-walls. The project site is located 1,000 feet south of the intersection

of Woodmont Drive and Norwood Road (Downingtown, PA Quadrangle N: 4.45 inches; W: 10.65 inches).

E15-674. Chadds Ford Unionville School District, 740 Unionville Road, Kennett Square, PA 19348, Pennsbury Township, **Chester County**, ACOE Philadelphia District.

To remove deteriorated sections of an existing 24-foot wide concrete arch bridge consisting of a 16-foot span, a 10-foot underclearance and associated downstream wingwalls; and to widen and maintain this bridge by 9 feet at the downstream side, including new wingwalls, situated in and along Ring Run (WWF, MF). The hydraulic opening of the structure will remain the same size and the total width of the bridge will be 33 feet. The applicant also proposes a temporary causeway crossing of the stream to facilitate construction of the new structure. The site is located at a private access drive to Chadds Ford Elementary School, approximately 100 feet west of its intersection with S.R. 0001 (Wilmington North DE-PA, USGS Quadrangle, N: 22.20 inches; W: 13.80 inches).

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

E54-291. Samuel S. and Connie M. Strouse, 59 Front Street, Cressona, PA 17929. Washington Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain a bridge having a single span of 55.5 feet and an underclearance of approximately 6.5 feet across Lower Little Swatara Creek for private access to a single family home. The project is located approximately 1,200 feet west of the intersection of S.R. 0895 and S.R. 3009 (Swatara Hill, PA Quadrangle N: 8.8 inches; W: 5.6 inches).

E48-316. Eastupland Associates by its General Partner Cetro Corporation, 54 S. Commerce Way, Bethlehem, PA 18017. Hanover Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 10' x 3' concrete box culvert stream enclosure having a length of 437 feet in a tributary to Monocacy Creek for the purpose of developing a commercial property. The project includes construction of a 30-inch RCP and an 18-inch RCP outfall structure which will discharge stormwater directly to the cable concrete outlet protection. The project is located at Uplands Office Park, approximately 0.4 mile northeast of the intersection of S.R. 0022 and S.R. 0512 (Catasauqua, PA Quadrangle N: 7.5 inches; W: 0.6 inch).

E64-223. James Mohrmann, R. R. 4, Honesdale, PA 18431. Berlin Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.09 acre of wetlands for the purpose of expanding an existing grass airport runway. The maximum length of the wetland crossing is approximately 120 linear feet. The permittee is required to provide 0.09 acre of replacement wetlands. The project is located on the south side of S.R. 0652, approximately 0.2 mile west of S.R. 1013 (White Mills, PA Quadrangle N: 17.2 inches; W: 0.9 inch).

E64-216. Pennsylvania Department of Transportation, District 4-0, P. O. Box 111, Scranton, PA 18501. Starrucca Borough, **Wayne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a precast concrete, rigid frame bridge on a 75 degree skew having a single normal span of 38.6 feet and

a minimum underclearance of 7.5 feet across Shadigee Creek. The project is located along S.R. 4012, approximately 400 feet northeast of the intersection of S.R. 4012 and S.R. 4039 (Starrucca, PA Quadrangle N: 4.4 inches; W: 13.1 inches).

E66-127. Ronco Northeast, Inc., 3400 Agricultural Center Drive, St. Augustine, FL 32092. Falls Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To maintain fill placed in 0.10 acre of wetlands for the purpose of expanding an existing machine shop. The permittee is required to provide 0.20 acre of replacement wetlands. The project is located along the east side of S.R. 0307 and Beaver Creek, approximately 600 feet upstream of the confluence of Beaver Creek and Buttermilk Creek (Ransom, PA Quadrangle N: 20.0 inches; W: 11.0 inches).

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

E06-558. Tilden Township, 772 Hex Highway, Hamburg, PA 19526 in Tilden Township, **Berks County**, ACOE Philadelphia District.

To relocate and maintain approximately 80 feet of an unnamed tributary to Mill Creek (TSF) located at a point along Mountain Road 0.1 mile from the intersection with Tilden Road (Auburn, PA Quadrangle N: 8.0 inches; W: 8.4 inches) in Tilden Township, Berks County.

E07-350. New-Tek Distributors, P. O. Box 172, Bellwood, PA 16617 in Antis Township, **Blair County**, ACOE Baltimore District.

To place fill in 0.33 acre of scrub/shrub wetlands adjacent to Bells Gap Run (TSF) at a point at the intersection of SR 0865 and LR 07026 for the purpose of constructing a residential development (Bellwood, PA Quadrangle N: 20.35 inches; W: 15.3 inches) in Antis Township, Blair County. The permittee will provide 0.50 acre of replacement wetlands.

E07-353. Hollidaysburg Borough, 401 Blair Street, Hollidaysburg, PA 16648 in Hollidaysburg Borough and Blair Township, **Blair County**, ACOE Baltimore District

To fill in 0.20 acre of wetland 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 Hollidaysburg Borough and Blair Township, Blair County. The permittee is required to provide a minimum of 0.20 acre of replacement wetlands.

E21-325. Mechanicsburg Borough, 2 West Strawberry Alley, Mechanicsburg, PA 17055 in Mechanicsburg Borough, **Cumberland County**, ACOE Baltimore District

To: (1) remove an existing 8-foot wide by 4-foot high concrete box culvert and construct a 10-foot wide by 7-foot high concrete box culvert with R-5 rock riprap at the outlet in Trindle Spring Run (CWF) on Mulberry Drive (T-586); and (2) remove an existing 18-foot wide, 3.0-foot high concrete box culvert and to construct and maintain a concrete box culvert having a clear span of 18 feet and a rise of 3.0 feet in Trindle Spring Run (CWF) on Church Road (T-592) along with the construction of a 15-inch diameter stormwater outfall pipe about 15 feet downstream of the culvert for the purpose of widening both roadways located on the western corporate boundaries of Mechanicsburg Borough (Mechanicsburg, PA Quadrangle N: 16.35 inches; W: 4.0 inches and N: 15.15 inches; W: 4.0 inches respectively) in Mechanicsburg Borough, Cumberland County.

E36-711. Conewago Industrial Park, P. O. Box 332, Lemoyne, PA 17043 in West Donegal Township, **Lancaster County**, ACOE Baltimore District

To fill in a total of 1.71 acres of wetlands to construct associated buildings and parking lots of the Conewago Industrial Park located about 1.5 miles northwest of Newville (Middletown, PA Quadrangle N: 6.2 inches; W: 5.4 inches and N: 5.7 inches; W: 1.9 inches respectively) in West Donegal Township, Lancaster County. The permittee is required to provide a minimum of 1.77 acres of replacement wetlands.

E36-720. Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, ACOE Baltimore District

To maintain a pedestrian footbridge approximately 10 feet, 6 inches wide by 25 feet spanning the West Branch of Bachman Run (WWF) at a point approximately 2,800 feet north of the intersection of Fruitville Road and Stonehenge Road (Lancaster, PA Quadrangle N: 21.9 inches; W: 11.8 inches) in Manheim Township, Lancaster County.

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

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

To relocate 120 linear feet to be moved 40 linear feet at the greatest distance. This permit also authorizes the operation and maintenance of fill in the floodway that measures a linear distance of 260 feet of stream length. This project is located on an unnamed tributary to the Susquehanna River. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E32-420-A3. Reliant Energy Mid-Atlantic Power Holdings, LLC, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050. East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To amend Permit No. E32-420 to include the construction and maintenance of an access roadway along the Conemaugh River (WWF) and a four span bridge having spans of 96.0 feet, 139.0 feet, 115.0 feet and 115.0 feet and an underclearance of 42.5 feet across an unnamed tributary to the Conemaugh River (WWF) and the impact to 0.72 acre of wetlands. To compensate for the wetland impacts, the permittee shall construct 0.92 acre of replacement wetlands and make a monetary contribution to the Pennsylvania Wetland Replacement Project. The project is located at the Seward Power Plant off of Power Plant Road (New Florence, PA Quadrangle N: 4.5 inches; W: 5.3 inches).

E65-783. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. Mount Pleasant Township, Donegal Borough and Donegal Township, **Westmoreland County**, ACOE Pittsburgh District.

To conduct the activities listed in Attachment (1A) as part of the Turnpike Mainline Reconstruction Project between Milepost 85 and Milepost 94:

1. Structure B-327A: to extend and maintain an existing single span bridge having a normal span of 7.925 meters and an underclearance of 3.8 meters across Jacobs Creek (CWF) by 1.86 meters downstream. The bridge is

located at Milepost 87.25 in Mount Pleasant Township, Westmoreland County (Mammoth, PA Quadrangle N: 3.5 inches; W: 6.55 inches).

2. Structure B-219A: to remove the existing structure and to construct and maintain a 9.7-meter x 5.3-meter corrugated metal arch culvert having a length of 44.91 meters in Jacobs Creek (CWF) at Milepost 87.66 in Mount Pleasant Township, Westmoreland County (Mammoth, PA Quadrangle N: 2.9 inches; W: 5.6 inches).

3. Structure B-220: to remove the existing structure and to construct and maintain a 9.8-meter x 3.9 meter corrugated metal arch culvert having a length of 44.93 meters in Jacobs Creek (CWF) at Milepost 88.27 in Mount Pleasant Township, Westmoreland County (Mammoth, PA Quadrangle N: 1.65 inches; W: 4.8 inches).

4. Structure S-228A at Milepost 93.28: to extend and maintain the existing 49.26-meter long, 3.05-meter x 1.98-meter reinforced concrete arch culvert by 12.2 meters downstream in an unnamed tributary to Indian Creek (HQ-CWF) at Milepost 93.28 in Donegal Township, Westmoreland County (Seven Springs, PA Quadrangle N: 21.5 inches; W: 12.0 inches).

5. Structure S-228A at Milepost 93.66: to extend and maintain the existing 58.76-meter long, 4.27-meter x 2.29-meter reinforced concrete arch culvert by 13.03 meters downstream in an unnamed tributary to Indian Creek (HQ-CWF) at Milepost 93.66 in Donegal Township, Westmoreland County (Seven Springs, PA Quadrangle N: 21.8 inches; W: 11.1 inches).

6. To extend and maintain an existing 91-meter long, 66-inch corrugated metal pipe culvert by 36 meters upstream in Fourmile Run (TSF) at Milepost 91.25 in Donegal Township, Westmoreland County. This culvert extension qualifies for authorization under the Department's waiver 105.12(a)(2) (Seven Springs, PA Quadrangle N: 19.5 inches; W: 16.9 inches).

7. To permanently place and maintain fill in a 0.383 acre of wetlands (0.366 acre PEM, 0.017 PSS). To compensate for wetland impacts, the applicant will make a monetary contribution to the Pennsylvania Wetland Replacement Project in the amount of \$5,000.

8. To relocate and maintain 130 meters of an unnamed tributary to Fourmile Run (TSF) between stations 146+730 and 146+850 and 115 meters of an unnamed tributary to Fourmile Run (TSF) between stations 146+850 and 146+950 in Donegal Township, Westmoreland County.

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

E61-251. Sugarcreek Borough, 212 Fox Street, Franklin, PA 16323. Keely Road Across West Branch Twomile Run, in Sugarcreek Borough, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 14.9 inches; W: 5.5 inches).

To remove the existing structure and to install and maintain twin 5-foot diameter corrugated metal pipe culverts or a single 8-foot diameter culvert in West Branch Twomile Run on Keely Road approximately 0.65 mile west of Cherrytree Road.

ENVIRONMENTAL ASSESSMENTS

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

EA17-004NC. Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476. Abandoned Mine Site Work, in Gulich Township, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 3.2 inches; W: 6.6 inches).

To eliminate a health and safety hazard by reclaiming a 38.1-acre abandoned mine site along Little Muddy Run in Gulich Township. Twenty-nine hundred feet of exposed high wall will be backfilled while 24-acres of spoil will be regraded and the site revegetated. About 1-acre of palustrine emergent wetland will be filled during the course of the project, which will be replaced through onsite mitigation. The project is Federally funded by the Office of Surface Mining.

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**.

SPECIAL NOTICES

Request for Proposals for Municipal Solid Waste Capacity

The following notice is placed through the Department of Environmental Protection as required by section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

Request for Proposals for Clarion, Forest and Venango Counties

Clarion, Forest and Venango Counties (Tri-County area) are soliciting disposal/processing facilities to provide all or part of the disposal capacity required annually for Tri-County area municipal waste for the next 10 years. Interested parties should contact Parks Unlimited, Inc. at (814) 676-6116 to obtain a copy of the Facility Qualification Request, which will be used to qualify facilities to participate in the Tri-County Municipal Waste Management Plan. Responses to the Facility Qualification Requests must be submitted on or before April 25, 2002, at 2 p.m.

[Pa.B. Doc. No. 02-463. Filed for public inspection March 22, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical

Guidance" heading is the link to Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with the document.

Notice of Intent to Rescind

DEP ID: 563-2504-450. Title: Bond Adjustment/Release for Postmining Discharges. Description: This guidance has been in place since the mid 1990s. Although the underlying statutory and regulating platform is valid, the mining program no longer uses the formula for calculating costs prescribed in the guidance. This guidance will be replaced with another new guidance that focuses on bonding for postmining treatment. Effective Date: April 16, 2002. Contact: Evan Shuster at (717) 787-4924 or e-mail eshuster@state.pa.us.

Draft Technical Guidance—Substantive Revision

DEP ID: 012-5500-001. Title: 2003 Environmental Education Grants Program Manual and Forms. Description: It is the Department's policy to provide school districts, county conservation districts and nonprofit groups (with an education/conservation mission) with the information necessary to participate in the Environmental Education Grants Program. This document continues this policy, with revisions added to the 2002 edition. Anticipated Effective Date: May 15, 2002. Comment Period Ends: April 22, 2002. Contact: Sandy Titel at (717) 772-1828 or e-mail stitel@state.pa.us.

DEP ID: 562-2500-702. Title: Insurance Requirements for Surface Coal Mines and Large Noncoal Mines. Description: This document describes the insurance and/or bonding requirements for surface coal mines and large noncoal mines. It is a revision of an existing technical guidance document completed in May 1997. Revisions are necessary to be consistent with recent changes to coal regulations (25 Pa. Code Chapter 86) and to assure insurance or bond protection for water supply replacement on surface coal and large noncoal mines. Insurance and bond revisions are updated to be consistent with the Department's overall implementation of a full cost bonding system. Anticipated Effective Date: June 29, 2002. Comment Period Ends: May 10, 2002. Contact: Keith Brady at (717) 787-5103 or e-mail kbrady@state.pa.us.

Final Technical Guidance

DEP ID: 013-0830-005. Title: Suggested Formats for the Required Electronic Deliverable Attachments. Description: The Department data eStandards workgroup has worked in cooperation with the Pennsylvania eGovernment project, in conjunction with the public, to thoroughly and accurately distinguish, assess, analyze and create working standards for external and internal sub-

mission of electronic deliverables as attachments to the Department. The objective was to adopt guidelines and policies that will improve compatibility, coordination, quality and consistency for eGovernment initiatives and projects.

This policy establishes the standards, requirements and acceptable formats for external and internal electronic attachments. The intent of this policy is to ensure the uniformity, reliability and compatibility of electronic attachments received by the Department. This will promote the enhanced use of the Department's eGovernment applications by providing the guidance necessary to successfully and consistently participate in the Department's eGovernment programs. Effective Date: March 23, 2002. Contact: Rick Bennett at (717) 705-3870 or e-mail ribennett@state.pa.us.

DEP ID: 563-2000-001. Title: Government-Financed Construction Contracts. Description: This revised document defines and clarifies the procedures for the authorization of incidental and necessary coal extraction and for the utilization of excess spoil from an active mine for reclamation of abandoned mines under a government-financed construction contract. Effective Date: March 25, 2002. Contact: Evan Shuster at (717) 787-4924 or e-mail eshuster@state.pa.us.

DEP ID: 580-2219-003. Title: Section 253(b)—Guidelines for Approving Roof Bolts as Primary Support. Description: The purpose of this guidance is to eliminate the risk of an accident while removing conventional timber from a roof bolt test area and to provide an alternate method for evaluating the effectiveness of a roof bolting system. Effective Date: April 1, 2002. Contact: Richard Stickler at (724) 439-4475.

DEP ID: 580-2219-008. Title: Submission of Mine Maps When a Mine is Abandoned. Description: The purpose of this guidance is to encourage mine operators to submit final mine maps in an acceptable electronic format that is compatible with software utilized by the Deep Mine Safety Engineering Services Division. Effective Date: April 1, 2002. Contact: Richard Stickler at (724) 439-4475.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-464. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Children's Hospital of Philadelphia 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 standards contained in this publication: 7.2.B4 (relating to hand-washing stations), 7.3.A3 (relating to patient space in critical care units) and 7.3.B2 (relating to toilet rooms in coronary critical care units).

These requests are 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 a request and/or provide comments to the Department 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. 02-465. Filed for public inspection March 22, 2002, 9:00 a.m.]

Application of Delco Gastroenterology, P.C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Delco Gastroenterology, P.C. 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: 9.30.B (relating to size of elevators).

This 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 a request and/or provide comments to the Department 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. 02-466. Filed for public inspection March 22, 2002, 9:00 a.m.]

Application of Indiana Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Indiana Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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 a request and/or provide comments to the Department 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. 02-467. Filed for public inspection March 22, 2002, 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):

Saint Luke Manor
1711 East Broad Street
Hazleton, PA 18201

This request is on file with the Department of Health (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 at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-468. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

2001 Group Two Exception Requests; Medical Assistance Long-Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to refuse to enter into new Medical Assistance (MA) provider agreements and to terminate any provider of MA nursing facility services that sought to increase the number of MA certified nursing facility beds through expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. A statement of policy that sets forth the guidelines the Department will use when making its case-by-case exception request decisions was published at 28 Pa.B. 138 (January 10, 1998) and is codified at 55 Pa. Code § 1187.21a. (relating to nursing facility exception requests-statement of policy).

By this notice, published under 55 Pa. Code § 1187.21a(e)(4), the Department announces the 2001 Group Two Exception Requests covering the submission period of July 1, 2001, through December 31, 2001.

Expansion Projects

| <i>Number</i> | <i>Name</i> | <i>Address</i> | <i>County</i> | <i>Beds</i> |
|---------------|---|---|---------------|-------------|
| JD01002 | Good Shepherd Home— Bethlehem Special Rehabilitation Facility | 2855 Schoenersville Road Bethlehem, PA 18017 | Lehigh | 40 |

New Facility Projects

| <i>Number</i> | <i>Name</i> | <i>Address</i> | <i>County</i> | <i>Beds</i> |
|---------------|---|--|---------------|-------------|
| JD01001 | Christal Nursing and Rehab Center | 1900 West Allegheny Ave. Philadelphia, PA | Philadelphia | 150 |
| JD01003 | Delaware Valley Skilled Nursing and Rehab Center | 707 Avenue H Matamoras, PA | Pike | 60 |

| <i>Number</i> | <i>Name</i> | <i>Address</i> | <i>County</i> | <i>Beds</i> |
|---------------|-----------------------------|---|---------------|-------------|
| JD01004 | Scranton Health Care Center | McCarthy and McDonough Sts. Scranton, PA | Lackawanna | 45 |
| JD01005 | The Cedars | Monroe County | Monroe | 180 |

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

The Department will accept written comments related to the requests for a 30-day period following the date of this publication. Written comments may be submitted to Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-318. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 02-469. Filed for public inspection March 22, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368, published at 31 Pa.B. 7078 (December 29, 2001), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Change of Address

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the change of address of the following station (station numbers W64, EL21 and EM21):

Targetron Inc., 1821 Lycoming Creek Road, Williamsport, Lycoming County, PA 17701.

The new station address will be: Targetron Inc., 190 Angletown Road, Muncy, Lycoming County, PA 17756. The station numbers and authorizations will remain the same.

Comments, suggestions or questions may be directed to Peter 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.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 31 Pa.B. 7078 and an addenda at 32 Pa.B. 669 (February 2, 2002) and 32 Pa.B. 1145 (February 23, 2002).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-470. Filed for public inspection March 22, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

EME Homer City Generation LP v. DEP; EHB Doc. No. 2002-058-L

EME Homer City Generation LP has appealed the renewal by the Department of Environmental Protection of an NPDES permit to same for a facility in Center Township, Indiana, County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-471. Filed for public inspection March 22, 2002, 9:00 a.m.]

Wayne/Susquehanna R.E.S.C.U.E. v. DEP and National Wind Power, Permittee; EHB Doc. No. 2002-062-K

Wayne/Susquehanna R.E.S.C.U.E. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to National Wind Power for a facility in Canaan and Clinton Townships, Wayne County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-472. Filed for public inspection March 22, 2002, 9:00 a.m.]

FISH AND BOAT COMMISSION

Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) has designated the following stream sections as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication of this notice in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas.

The Commission has extended the delayed harvest artificial lures only (DHALO) area on Little Clearfield Creek, Clearfield County, a distance of 0.2 mile. This change results in a total of 1.3 miles of Little Clearfield Creek being regulated and managed under the DHALO program. The revised section is as follows: from the bridge on S.R. 2023 (Turkey Hill Bridge) upstream 1.3 miles.

The Commission also added 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 approximately 0.5 mile to the upstream property line of Richard Kriebel, a distance of 0.5 mile. |

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 02-473. Filed for public inspection March 22, 2002, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)) announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)), in the following case:

Gary J. Kuklish v. Tri-County Joint Municipal Authority; Doc. No. E85442A; (Pennsylvania Human Relations Commission, February 25, 2002); Age-based refusal to hire, illegal preemployment inquiries on application form; Ruling for Respondent on age-based refusal to hire claim. Ruling for Complainant on preemployment inquiry claim, 6-0 decision; 21 pages.

The Final Order in the previously-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page, to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 02-474. Filed for public inspection March 22, 2002, 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, March 7, 2002, and took the following actions:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective (February 26, 2002)

State Civil Service Commission #61-4: Promotion Procedure (amends 4 Pa. Code Chapter 95)

Regulations Approved

Underground Storage Tank Indemnification Board #11-214: Fees and Collection Procedures (amends 25 Pa. Code § 977.12)

State Board of Veterinary Medicine #16A-5713: Examinations, Application for Licensure and Certification, Fees (amends 49 Pa. Code Chapter 31)

State Board of Physical Therapy #16A-658: Examination Fees (amends 49 Pa. Code Chapter 40)

Department of Labor and Industry #12-57: Uniform Construction Code Training and Certification for Code Administrators (adds 34 Pa. Code Chapter 401)

Approval Order

Public Meeting held
March 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone, recused

Underground Storage Tank Indemnification Board—Fees and Collection Procedures; Regulation No. 11-214

On February 7, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the Underground Storage Tank Indemnification Board (Board). This rulemaking amends 25 Pa. Code § 977.12. Notice of proposed rulemaking was omitted for this regulation; it will become effective the first of the month following publication in the *Pennsylvania Bulletin*.

This rulemaking increases two fees and is necessary to maintain the solvency of the Underground Storage Tank Fund.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 6021.705) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

State Board of Veterinary Medicine—Examinations, Application for Licensure and Certification, Fees; Regulation No. 16A-5713

On October 26, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 31. The proposed regulation was published in the December 2, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 5, 2001. On October 24, 2001, the Board withdrew this final-form regulation. On February 11, 2002, the Board resubmitted the final-form regulation to the Commission.

This regulation eliminates the specific exam fee listings paid by applicants to take the required examinations for veterinarians and animal health technicians. It also adds criminal history and out-of-State licensure information as application requirements for certification of animal health technicians.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 485.11 and 485.13) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

State Board of Physical Therapy—Examination Fees; Regulation No. 16A-658

On April 24, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code Chapter 40. The proposed regulation was published in the May 5, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 11, 2002.

This rulemaking deletes references to the fees for licensure examinations for physical therapists, athletic trainers, and physical therapist assistants. These fees are established by a professional testing organization, not the Board.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1308) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Department of Labor and Industry—Uniform Construction Code Training and Certification for Code Administrators; Regulation No. 12-57

On June 26, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking adds 34 Pa. Code Chapter 401. The proposed regulation was published in the July 7, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 7, 2002.

This regulation establishes training and certification requirements for code administrators. Code administrators include municipal code officials, construction code officials, third-party agencies and the Department of Labor and Industry.

We have determined this regulation is consistent with the statutory authority of the Department of Labor and Industry (35 P. S. § 7210.701(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.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-475. Filed for public inspection March 22, 2002, 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> |
|-----------------|---|---------------|---|
| #2-135 | Department of Agriculture Dog Licensure (32 Pa.B. 66 (January 5, 2002)) | 3/7/02 | 2/4/04 |
| #7-357 | Environmental Quality Board Noncoal Underground Mines and Other Excavations (31 Pa.B. 6672 (December 8, 2001)) | 3/8/02 | 2/6/04 |

**Department of Agriculture Regulation No. 2-135
Dog Licensure
March 7, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Agriculture (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by February 4, 2004, the regulation will be deemed withdrawn.

1. Fiscal impact of the regulation on county treasurers.—Economic and fiscal impact.

In response to Question #18 on the Regulatory Analysis Form, the Department states that this regulation will not impose any compliance costs on local governments. However, county treasurers assert that they will incur costs for updating their computer programs to accommodate both the license number and the microchip number. The Department should include an analysis of the costs for counties to update their computer programs when it submits the final-form regulation.

2. Process for applying for a lifetime dog license.—Reasonableness.

As written, the proposed regulation requires a dog owner to apply for a lifetime license prior to having a dog

microchipped. After the microchip is installed, the person installing the chip records the microchip number on the license application, and the dog owner returns the completed paperwork to the county treasurer's office. The lifetime license is then issued.

Commentators have noted that this procedure is overly complicated for dogs which are microchipped. After a dog is microchipped, the owner could simply bring the microchip certificate to the county treasurer's office, at which point, the microchip identification number could be recorded and the lifetime license could be issued.

We agree with the commentators that the proposed process appears to be unnecessarily complicated. The Department should consider adopting a more streamlined process for granting a lifetime license for microchipped dogs.

3. Section 21.1. Definitions.—Need.

This section defines the term "releasing agency." However, this term is not used elsewhere in Chapter 21. Therefore, it appears that the definition of this term is unnecessary and should be deleted.

4. Section 21.4. Penalties.—Clarity.

The Department is proposing to delete this section which contains the penalties for the violation of this chapter. In the Preamble, the Department indicates, "there is no need to repeat the penalties in the regulation." For clarity, rather than eliminate the penalty section in its entirety, the Department should consider replacing the content of this section with a cross-reference to the section relating to penalties contained in the Dog Law at 3 P. S. § 459-201(c).

5. Section 21.51. Lifetime dog license issuance.—Consistency with the statute; Reasonableness; Clarity.

Subsection (b)

Paragraphs (b)(2) and (7) require the county treasurer to "assign" or "issue" the microchip license number. Paragraph (c)(1) also refers to the microchip license number "assigned" by the treasurer. Commentators have noted that the microchip number is preprogrammed into the chip by the manufacturer, and cannot be "assigned" by the county treasurer.

In the final-form regulation, paragraphs (b)(2), (7) and (c)(1) should be amended to clarify that the lifetime license number will be assigned by the county treasurer. In instances where microchipping is used, the county treasurer will record the microchip number, as well as the license number, on the license certificate.

Subsection (c)

This subsection addresses the dog owner's responsibilities for obtaining a lifetime dog license. However, this subsection does not specifically address the process to be followed for owners who had their dogs microchipped before the effective date of this regulation, or for new owners of previously microchipped dogs. The final-form regulation should specify the process for these parties to obtain lifetime dog licenses.

Paragraph (c)(3) states that the "person implanting the microchip shall record the identifying number on the microchip on the tattoo/microchip license certificate." This sentence is confusing. It appears that the intent is to require the microchip number to be recorded on the license certificate. The final-form regulation should be revised to make the intent of this provision clearer.

Subsection (d)

Paragraph (d)(1) states that the county treasurer will issue the lifetime license and tag "upon receipt of the properly completed tattoo/microchip certificate . . ." Prior to obtaining a lifetime license, the dog owner must also remit the appropriate fee set forth in the Dog Law. For clarity, this subsection should contain a cross-reference to the fees established in 3 P. S. § 459-201(b).

In paragraph (d)(2), should the reference to the "microchip-license number" be changed to "lifetime license number"?

Paragraph (d)(3) refers to a 50¢ issuance fee. However, section 200(b) of the Dog Law (3 P. S. § 459-200(b)) authorizes a \$1 fee. In the final-form regulation, the fee referenced in paragraph (d)(3) should be consistent with the Dog Law.

Subsection (e)

In this subsection, the phrase "with the county treasurer's copy behind filed in sequence" is confusing. The Department should clarify this phrase in the final-form regulation.

6. Section 21.52. Recordkeeping for lifetime dog licenses.—Need; Clarity.

This section repeats the requirement in § 21.51(e) that "the county treasurer or an agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department." The Department should eliminate one of the repetitious provisions.

The regulation provides that the counties are to retain the records for 20 years. How long is the Department going to retain records for lifetime dog licenses?

7. Section 21.53. Transfer of lifetime dog licenses.—Clarity.

This section provides the issuance of a new license or tag is not required when transferring a lifetime dog license. We have four concerns.

First, the regulation does not specify a period of time within which an owner must notify the county that issued the lifetime license after a change of address or change of ownership.

Second, the regulation is unclear as to what information is necessary for the owner to provide as part of the transfer application.

Third, section 205(a) of the Dog Law (3 P. S. § 459-205(a)) specifies a \$1 fee for transferring a license. This fee is neither included nor cross-referenced in the regulation.

Finally, the regulation is silent regarding the applicability of the transfer process for a dog owner moving to this Commonwealth from another state with a dog that has already been tattooed or implanted with a microchip in the former state of residence.

Clarity would be improved if this information were included in the final-form regulation.

—————

**Environmental Quality Board Regulation No. 7-357
Noncoal Underground Mines and Other
Excavations
March 8, 2002**

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 February 6, 2004, the regulation will be deemed withdrawn.

1. Section 207.211. Safety requirements.—Clarity.

Subsection (c) requires documents sent to the United States Department of Labor, Mine Safety and Health Administration to also be submitted to the Department of Environmental Protection (Department). The regulation should specify where those documents should be sent.

2. Section 207.214. Certificate of qualification application requirements.—Clarity.

Subsection (2) uses the phrase "certified official under the Pennsylvania Anthracite Coal Mine Act (52 P. S. §§ 70-101—70-145) or the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701-101—701-706) . . ." If the term "certified official" is defined in statute, the regulation should provide a specific cross-reference to where the definition and the associated qualifications can be found. If the term is not defined in statute, the regulation should define the term.

3. Section 207.215. Standards for issuing certificates of qualification.—Reasonableness; Clarity.

Subsection (a) requires applicants to pass an examination to obtain a certificate of qualification. In the Preamble, the EQB states the Department has been using a voluntary program to certify mine foremen for noncoal mines. Will foremen who hold a voluntary certificate of qualification be granted certification without taking another examination when this rulemaking is implemented? If so, language should be added to the final-form regulation to allow voluntary certificate holders to qualify.

4. Section 207.303. Approvals.—Clarity.

For a business to operate in a mined-out area, a developed facility must be "approved by the Department." Is there a specific provision or citation in which a developed facility is "approved by the Department"?

5. Section 207.312. Lighting.—Clarity.*Subsection (a)*

This subsection requires a "permanent lighting system," but does not specify what would meet this requirement. The regulation should include or reference what qualifies as "a permanent lighting system."

Subsection (b)

This subsection includes two vague requirements.

First, this subsection requires "an emergency lighting system meeting the requirements of the Department." Does the Department have existing regulations that address the requirements of an emergency lighting system? If so, this subsection should provide a cross-reference to the requirements. If not, this subsection should specify the requirements an emergency lighting system must meet.

Second, this subsection allows the owner to provide each worker with "an approved personal lamp." What is an approved personal lamp?

6. Section 207.314. Ventilation.—Clarity.

Subsection (a) requires mechanical ventilation systems to be approved by the Department. How does the owner obtain Department approval?

7. Section 207.317. Record of inspection.—Clarity.

This section includes the requirement that the log be dated and signed. It is unclear whether the requirement to date and sign applies to the entire log or each individual entry. The regulation should specify that each individual entry into the log should be dated and signed.

The last sentence of this section is unclear. It states, "Corrections or orders required by the Department representative shall be in writing and shall become part of the log." Can the Department representative require orders? Is the Department representative required to date and sign a log entry for a correction or order?

8. Section 207.318. Storage of flammable liquids.—Protection of the public safety; Clarity.

Both subsections (a) and (b) specify requirements for storage of flammable liquids, but end with the phrase "unless otherwise approved by the Department." How is this approval requested? Does a Department representative have authority to issue approval? Is the approval required to be in writing? This information should be included in the final-form regulation.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-476. Filed for public inspection March 22, 2002, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

| <i>Final-Form Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> |
|--------------------------------|--|-----------------|
| 43-8 | Public School Employees' Retirement Board Contributions and Benefits | 3/7/02 |
| 10-137 | Department of Health Newborn Disease Screening and Follow-Up | 3/8/02 |
| 16A-639 | State Board of Psychology Continuing Education—Ethics | 3/12/02 |

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-477. Filed for public inspection March 22, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

**Goodwill Industries of the Conemaugh Valley;
Telephone Conference**

**Compliant of Goodwill Industries of the
Conemaugh Valley; Lackawanna Casualty
Company; Doc. No. CL02-02-002**

In accordance with discussions held and scheduling agreements made during a telephone conference held

March 7, 2002, attended by the parties in this case, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 5, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

An answer to a petition to intervene, if any, must be filed on or before April 17, 2002. A joint stipulation of facts must be filed with the Administrative Hearings Office by April 19, 2002. A status telephone conference initiated by this office is scheduled for April 24, 2002, at 10 a.m. Each party shall provide the Hearings Administrator, by April 22, 2002, a telephone number to be used for the telephone conference.

The purpose of this conference is to determine if the case may be submitted on a written record and briefs or will require an evidentiary hearing. In the event a hearing is required, on or before May 16, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. A hearing in this appeal is scheduled for May 30, 2002, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearings should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-478. Filed for public inspection March 22, 2002, 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 hearings 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 hearings will be held in the

Insurance Department's regional offices in Philadelphia and Harrisburg, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Gerard L. Discher; file no. 02-267-00363; Erie Insurance Exchange; doc. no. PH02-03-004; April 12, 2002, at 9:30 a.m.

Appeal of Geddes Gibbs; file no. 02-188-00688; State Farm Mutual Automobile Insurance Company; doc. no. PH02-03-006; April 12, 2002, at 1 p.m.

Appeal of Joanna Lignelli; file no. 02-188-00471; Progressive Insurance Company; doc. no. PH02-03-007; April 12, 2002, at 2 p.m.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Susan and Stephen Underwood; file no. 01-280-05469; Great American Insurance Company; doc. no. PH02-03-003; April 25, 2002, at 10:30 a.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. 02-479. Filed for public inspection March 22, 2002, 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 Harrisburg 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 Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Anna Jean Muckler; file no. 02-188-00796; Utica First Insurance Company; doc. no. P02-03-008; April 9, 2002, at 10:30 a.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 George M. and Diane Horner, Jr.; file no. 01-215-06599; State Farm Fire and Casualty Insurance Company; doc. no. PH02-03-005; April 12, 2002, at 10:30 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 an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-480. Filed for public inspection March 22, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5143, 2429 South Street, Philadelphia, PA 19146-1035.

Lease Expiration Date: March 31, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space on South Street, west of 15th Street and east of 25th Street, Philadelphia.

Proposals due: April 5, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: George J. Peller, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5165, 7322 Castor Avenue, Philadelphia, PA 19152-4205.

Lease Expiration Date: May 31, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 to 8,000 net useable square feet of new or existing retail commercial space within 1/2 mile radius of Castor and Cottman Avenues, Philadelphia.

Proposals due: April 5, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: George J. Peller, (215) 482-9671

Carbon County, Wine & Spirits Shoppe #1304, 143 South Street, Lehighton, PA 18235.

Lease Expiration Date: January 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,300 to 3,100 net useable square feet of new or existing retail commercial space within the Borough of Lehighton or adjacent municipality.

Proposals due: April 19, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Ronald Hancher, Jr., (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3914, 1604 South Fourth Street, Allentown, PA 18103.

Lease Expiration Date: February 28, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 6,000 net useable square feet of new or existing retail commercial space along Route 145 within 1/4 mile of the intersection of South Fourth Street and West Federal Street in the City of Allentown.

Proposals due: April 19, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Ronald Hancher, Jr., (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2209, 333 Market Street, Harrisburg, PA 17101.

Lease Expiration Date: February 28, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within the following market area: Commonwealth Avenue to the east, Walnut Street to the north, Market Street to the south and the Susquehanna River to the west in Harrisburg City.

Proposals due: April 19, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Charles D. Mooney, (717) 657-4228

Allegheny County, Wine & Spirits Shoppe #0273, 3202 Brighton Road, Pittsburgh, PA 15212.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space near the intersection of Brighton Road and Woods Run Avenue in the City of Pittsburgh.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130.

Allegheny County, Wine & Spirits Shoppe #9210, 1103 Milltown Road, Verona, PA 15147.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space within 1/2 mile of the Hulton Road and Unity Road intersection. Off-street parking and good loading facilities are preferred.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Blair County, Wine & Spirits Shoppe #0707, 613 Pleasant Valley Boulevard, Altoona, PA 16602.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space within .30 mile of the Valley View Shopping Center. Off-street parking and good loading facilities are preferred.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Blair County, Wine & Spirits Shoppe #0709, 3415 Pleasant Valley Boulevard, Altoona, PA 16602.

Lease Expiration Date: April 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space fronting Business Route 220 south of 27th Street and north of I-99. Site must have free, off-street parking, rear tractor-trailer delivery access and excellent highway ingress/egress.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Butler County, Wine & Spirits Shoppe #1003, 608 Morraine Pointe Plaza, Butler, PA 16001.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a shopping center environment on State Route 356 west of Duffy Road.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Elk County, Wine & Spirits Shoppe #2402, 832 South Saint Marys Road, Saint Marys, PA 15857.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in the strip commercial area along State Route 255 south of Saint Marys. A shopping center environment is preferred.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2601, 111 West Fayette Street, Uniontown, PA 15401.

Lease Expiration Date: January 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in downtown Uniontown. Site must have free, off-street parking and access for rear tractor-trailer deliveries.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Schuylkill County, Wine & Spirits Shoppe #5408, 888 Gordon Nagle Trail, Pottsville, PA 17901.

Lease Expiration Date: March 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,160 net useable square feet of new or existing retail commercial space within the City of Pottsville on Gordon Nagle Trail, within 1/2 mile of the intersection of Routes 61 and 209.

Proposals due: April 12, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110

Contact: Willard Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-481. Filed for public inspection March 22, 2002, 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 April 15, 2002, as set forth in 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-00118694. Premier Transportation Service, Inc. (4236 Madison Drive, Bethlehem, Northampton County, PA 18020)—persons in limousine service, between points in the counties of Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

A-00118710. John C. Naturale (R. R. 1, Box 111, Dingmans Ferry, Pike County, PA 18328)—persons upon call or demand in the township of Delaware, Pike County and within an airline distance of 10 statute miles of the limits thereof.

Application of the following for *amendment* to the contract carrier permit approving the operation of motor vehicles as *contract carriers* for transportation of *persons* as described the application.

A-00110266, F.1, Am-B. Delaware Express Shuttle, Inc. (P. O. Box 7736, Newark, DE 19714), a corporation of the State of Delaware, inter alia—persons in airport transfer service, from the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County, to points in the townships of Birmingham and Thornbury, Chester County and vice versa: *So as to Permit* the transportation of persons, in airport transfer service, from points in the county of Delaware, to the Philadelphia International Airport, located in the city and county of Philadelphia, and the township of Tinicum, Delaware County.

Application of the following for approval of the right to *begin* to operate as a *broker* for the transportation of *persons* as described under the application.

A-00113632, Folder 2. Gold Glove Sport Tours, Inc. (R. D. 1, Schuylkill Haven, Schuylkill County, PA 17972),

a corporation of the Commonwealth of Pennsylvania—Brokerage License—to arrange for the transportation of persons, between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-482. Filed for public inspection March 22, 2002, 9:00 a.m.]

Telecommunications

A-310985F7001. Verizon North Inc. and Citynet Telecommunications, Inc. Joint Petition of Verizon North Inc. and Citynet Telecommunications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Citynet Telecommunications, Inc. filed on February 22, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Citynet Telecommunications, 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. 02-483. Filed for public inspection March 22, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of a Design Management Firm

**Mon/Fayette Expressway Project;
Allegheny County, PA**

Reference No. E-018

The Turnpike Commission (Commission) will retain a design management firm to provide project management services for the design development of a limited access highway on new alignment from PA 51 to I-376, a distance of approximately 24 miles. It is anticipated that the design manager will manage, direct and coordinate the efforts of approximately 12 roadway design consultants, 1 consultant for the design of the Monongahela River Bridge and 1 toll plaza design consultant.

The design manager will act as an agent of the Commission. All project correspondence, except contractual issues, will be directed to the design manager for recommendation to the Commission. The design manager will assist the Commission in resolution and response.

Design management activities will begin with review of the scopes-of-work for the design consultants and end with the bidding of the final construction contract on the PA 51 to I-376 Mon/Fayette Project. The work will be divided into two parts-preliminary design management

activities before the design field view and final design management activities after the design field view. A minimum of 13 major construction contracts and approximately 4 minor construction contracts are anticipated. This contract may be financed with Federal, State and Commission funds and will be subject to Federal review and oversight in accordance with Federal Aid Regulations (23 CFR Chapter 1). The project has an estimated construction cost of \$1.4 billion as developed in the draft Environmental Impact Statement, section 4(f) evaluation and Section 404 Permit application.

The selected firm will be required to provide engineering review services during the design phase of the project and to provide sufficient staff to adequately maintain project coordination and schedule from preliminary design through bidding of the construction contracts.

Tasks required include, but are not limited to: prepare master schedules to coordinate all phases of the project; monitor schedules to assure compliance with the master schedule; monitor design costs to keep cost within budget; review of design submissions, preliminary and final right-of-way plans, design drawings, special provisions, specifications and estimates prepared by other consulting engineering firms; conduct design review meetings and plan checks; provide constructibility reviews; review environmental items of work; coordinate required permit applications; standardize design details; coordinate design and right-of-way acquisition activities; and coordinate with the Department of Transportation (Department), Federal Highway Administration environmental agencies, township officials, municipal authorities and utility companies by means of periodic meetings.

The selected firm will be required to provide a full-time, permanent staff of qualified and experienced professional engineers and support personnel required to maintain project control. In addition to the full-time staff, other in-house specialists may be required to assist with specific work tasks encountered. The Commission must approve the individual who will head the design management team.

The selected firm is required to furnish a fully equipped office in this Commonwealth, conveniently accessible and within 50 miles of the Commission Western Regional Office, 2200 North Center Avenue, New Stanton, PA 15672-9602. The office must include a conference room capable of seating at least 25 people.

The following factors will be considered by the Commission during the evaluation of the firms submitting statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on management of large-scale public works design projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on management projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBE) be included, as a presumptive group, within the definition of DBE. The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, Turnpike Commission at the previous address or by calling (717) 939-9551 ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182; or by e-mail at gbednar@paturpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation of the technical approach, stressing the team's ability to coordinate several construction contracts that were designed by different design consultants.

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. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or

one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 × 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. 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, Turnpike Commission Administration Building, 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, April 12, 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 contract. Technical proposals will be requested from the shortlisted firms 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. 02-484. Filed for public inspection March 22, 2002, 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.

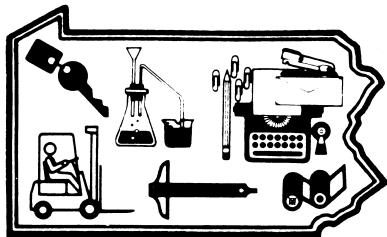
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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

LBLA 1286 Padlocks, Locksets, etc. Fax requests for bid package to 570-372-5675.

Department: Public Welfare
Location: Selinsgrove Center, 1000 US Highway 522, Selinsgrove, PA 17870
Contact: Arletta K. Ney (570) 372-5670

FMO20037 Wall hung and free standing water coolers, cold water service only. For a copy of the bid package please fax your request to: (717) 861-2932 Attn: Regine Faith or e-mail to RFAITH@STATE.PA.US.

Department: Military Affairs
Location: Bldg. 0-47, Ft. Indiantown Gap, Annville, PA 17003
Duration: FY01/02
Contact: Regine Faith (717) 861-8455

6564 Bras—sizes starting at 40 DD and running through 52 F. White only, No underwire and must hook have 3 hooks in the back. Super wide fiber filled lined straps that stretch for shoulder comfort. Lycra Spandex sides and back. Wide bottom band that will keep bra in place and avoid rolling. Machine Wash. Fiber Content: 35% nylon, 30% cotton, 30% polyester, 5% Lycra spandex or equivalent. Please send sample of bra when bid is submitted.

Department: Corrections
Location: State Correctional Institution at Muncy, P.O. Box 180, Route 405, Muncy, PA 17756
Duration: 90 days
Contact: Cindy Lyons (570) 546-3171

#499 Three-Way Wall Hugger Lift Chairs. Interested vendors should fax request for bid package #499 to 570-443-4177. Please include company name, address, phone and fax numbers.

Department: Public Welfare
Location: White Haven Center, RR 2, Box 2195, White Haven, PA 18661
Contact: Sandra A. Repak, PA (570) 443-4232

IFB #2002-05 The Pennsylvania State System of Higher Education, Educational Resources Group, is soliciting bids from qualified automobile dealers for the purchase of one (1) new 2002 Dodge Grand Caravan Sport AWD. Interested and qualified dealers may obtain a bid package (IFB #2002-05) by contacting the issuing office: Linda Venneri, Procurement Manager, Educational Resources Group, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110; phone 717-720-4135. E-mail requests may be sent to lvenneri@ergpa.org. The bid package is also available at the following website: <http://www.ergpa.org/procurement/bidsopen.html>. Bids are due no later than April 3, 2002: 1:00 p.m.

Department: State System of Higher Education
Location: Harrisburg, PA
Contact: Linda Venneri (717) 720-4135

AC-020301 Carpet, Style #1702 Heather Tone VI. Manufacturer: Kraus Carpet Mills. No substitute. CARPET ONLY—NO INSTALLATION. Approximately 870 sq. ft.

Department: Public Welfare
Location: Altoona Center, Department of Public Welfare, 1515 Fourth St., Altoona, PA 16601
Contact: Cora M. Davis, Purchasing Agent (814) 472-0288

1311201 Latest Model Cab-Over Engine Van Body Truck with Liftgate. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: State Police
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

ADV-156 Indiana University of Pennsylvania (IUP) is seeking bids for Kawneer (or Approved Equal) Exterior Doors to be Furnished & Installed in Shafer, Esch & Wallace Residence Halls. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-156 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until March 29, 2002. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Mrs. Roxie M. Johnson (724) 357-3077

1295151 Jeep Wrangler X with Snowplow. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

LBLA 6259 UV unit Purchase of UV Sterilizer unit, Emperor Aquatics Model COM-6120-HO or equal and Tandem Kit which includes three 36" HRV Fiberglass Sand Filter Tanks with piping and fittings, Emperor Aquatics Model 15B2027 or equal.

Department: Fish and Boat Commission
Location: Corry Fish Culture Station, 13365 Route 6, Corry, PA 16407
Duration: For delivery by June 30, 2002
Contact: Kathi Tibbott, Purchasing Agent (814) 359-5130

x24136 Purchase two (2) air sampler systems for evacuated canisters.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: May 16, 2002
Contact: Nancy W. Miller (717) 787-9645

LE-01005 Outboard engine, Evinrude Model E150FPXSN, 150 HP and Evinrude Model E150FCXSN, 150 HP, No substitutes, must match existing equipment on boat.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: One Time Purchase
Contact: Dennis Grove (717) 705-7915

fl-260165 Bag, gift, metallized, polypropylene, silver, .0008 mil thickness, 250/package. Quart Size: 6-1/2"W X 18"H 2,500 packages. 1/2 Gallon Size: 9-1/2"W X 18"H 1,500 packages.

Department: Liquor Control Board
Location: 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: Single Purchase
Contact: Jim Hanks (717) 787-1893

187111 Rebid. Cold Roll Steel Sheet. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Pittsburgh, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

IBP-450 To provide the students of the Hiram G. Andrews Center with sized uniforms and shoes on an as-needed basis. Vendor will be required to measure and fit each student at the facility during the beginning of each term. Vendor will also be required to provide alterations. To obtain a detailed bid package, submit a written request to the address shown or fax your request to the attention of R.D. Robinson at (814) 255-8370.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905
Duration: For the period of 5/3/02 through 5/2/03.
Contact: Robert D. Robinson, Purchasing Agent II (814) 255-8210

SU-01-23 SU-01-23: New 2002 Type 2 School Bus. Shippensburg University is seeking vendors interested in providing a new 22-24 passenger, 2002, Type 2 School Bus for the Head Start Program. Vendors interested in receiving a bid package must request in writing to: Karen M. Smith, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, email: kmsmit@wharf.ship.edu or fax: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: To be delivered before August 2002.
Contact: Karen M. Smith (717) 477-1121

8305-04 Rebid in Part #1 Upholstery Fabric & Vertical Panel Fabric. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various, PA
Duration: Contract Period 05/01/01 - 04/30/03
Contact: Vendor Services (717) 787-2199

1324151 Furnish & Install Casework/Lockers. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: State System of Higher Education
Location: University of Pittsburgh, Pittsburgh, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1274221 Replacement—Heat Boiler System and Water Heaters. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Fish and Boat Commission
Location: Carlisle, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1267231 No Till Grass Drill. Mfg.: T5uax, Model FlexII 812, No Substitute. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Game Commission
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

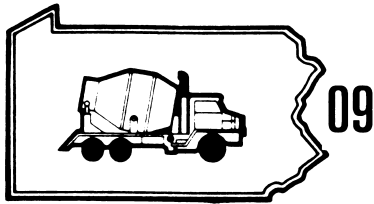
8345-01 Flags, United States and Pennsylvania. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: Various, PA
Duration: Contract Period 04/15/02 - 04/14/04
Contact: Vendor Services (717) 787-2199

ADV-157 Indiana University of Pennsylvania (IUP) is seeking bids for HVAC Units for suites and small apartments in Esch & Wallace Residence Halls. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-157 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until March 29, 2002. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Mrs. Roxie M. Johnson (724) 357-3077 009

SERVICES



Construction & Construction Maintenance

FDC-114-800.4 All Electrical Work associated with renovations and additions to 3 existing comfort stations and the construction of 1 new comfort station at Little Pine State Park in Lycoming County. Project estimate - \$50,000.00 to \$100,000.00 NOTE: Requests for bid documents may be made ON or AFTER March 13, 2002. Cost of documents is \$63.60, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

Department: Conservation and Natural Resources
Location: Cummings Township
Duration: 270 days
Contact: Construction Management Section (717) 787-5055

FDC-010-1793.1 Parking lot expansion for the Sproul State Forest Headquarters near Renovo in Clinton County. Work includes excavation and backfill; rock lining, bituminous paving (260 tons); E & S measures; 2A subbase, drainage work; landscaping and line painting. Project estimate - \$50,000.00 to \$100,000.00. NOTE: Requests for bid documents may be made ON or AFTER March 11, 2002. Cost for documents is \$8.48, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

Department: Conservation and Natural Resources
Location: Noyes Township
Duration: 90 days
Contact: Construction Management Section (717) 787-5055

FDC-114-800.2 All HVAC Work associated with renovating 3 existing comfort stations (gas fired furnaces, fuel piping, metal ducts, power ventilators, diffusers, registers and grilles) at Little Pine State Park in Lycoming County. Project estimate - \$0 to \$50,000.00. NOTE: Requests for bid documents may be made ON or AFTER March 13, 2002. Cost of documents is \$63.60, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

Department: Conservation and Natural Resources
Location: Cummings Township
Duration: 270 days
Contact: Construction Management Section (717) 787-5055

FDC-114-800.1 General Construction work for renovations and new additions to 3 comfort stations, renovate an existing bathroom, construct one new comfort station and all site work (concrete sidewalks, bituminous paving, seeding and mulching) at Little Pine State Park in Lycoming County. Project estimate - \$500,000.00 to \$1,000,000.00. NOTE: Requests for bid documents may be made ON or AFTER March 13, 2002. Cost of documents is \$63.60, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

Department: Conservation and Natural Resources
Location: Cummings Township
Duration: 270 days
Contact: Construction Management Section (717) 787-5055

CL-559 - Electrical Renovations, Nair Hall Clarion University is soliciting bids for installation of new electrical distribution and outlets, replacement and corridor lighting and replacement of acoustic tile ceiling in Nair Hall, and eight story dormitory building. Contracts will be awarded for general and electrical construction with electrical contractor as lead contractor. Bid packages are available upon receipt of non-refundable fee of \$20 by check payable to the university and mailed to Judy McAninch, Contract Specialist, 218 Carrier, Clarion University, 840 Wood Street, Clarion, PA 16214. Pre-Bid Meeting: 10 A.M., March 21, 2002, in McEntire Maintenance Building. Bids Due: 2 P.M., April 4, 2002.

Department: State System of Higher Education
Location: Clarion University, Clarion County, Clarion, PA 16214
Duration: 90 days from Notice to Proceed
Contact: Judy McAninch, Contract Specialist (814) 393-2240

CPC 01.059 Conservation of Rm. 139 Pkg I: Wood The work of this contract includes but is not limited to the historic restoration of mahogany wood wainscot walls and railings, minor wood repair and the restoration of selective bronze elements. Specifications will be available April 1, 2002. There is a \$100.00 deposit made payable to the Capitol Preservation Committee. A mandatory pre-proposal conference and site walk through is scheduled for April 11, 2002. Proposals are due on April 26, 2002.

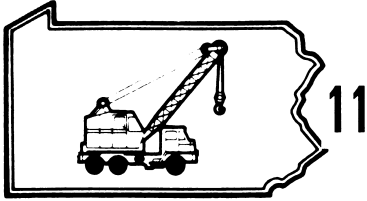
Department: PA Capitol Preservation Committee
Location: Main Capitol Building, Room 630, Harrisburg, PA 17120
Duration: June 2002 - September 2002
Contact: Chris Ellis (717) 783-6484

CPC 01.060 Conservation of Room 139 Package II The work of this contract includes but is not limited to the historic restoration of decorative ceiling, walls, cornices and miscellaneous painted surfaces and the restoration of built-in metal bookcases. Specifications will be available April 1, 2002. There is a \$100.00 deposit made payable to the Capitol Preservation Committee. A mandatory pre-proposal conference and site walk through is scheduled for April 11, 2002. Proposals are due on April 26, 2002.

Department: PA Capitol Preservation Committee
Location: Main Capitol Building, Room 630, Harrisburg, PA 17120
Duration: June 2002 - September 2002
Contact: Chris Ellis (717) 783-6484

C32:2-103.1 Cherry Tree Floodwall Project involves 260 c.y. structural excavation; 160 c.y. compacted backfill; 2 flap gates; 60 c.y. Class A concrete; 15 c.y. gravel drains; removal of 11 s.y. existing pavement, sidewalk and curb; 79 l.f. chain link fence; 23 s.y. bituminous pavement; seeding; and implementation of a traffic control plan.

Department: Environmental Protection
Location: Cherry Tree Borough Indiana County
Duration: 110 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



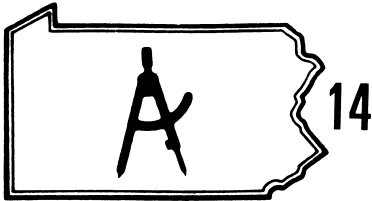
Demolition—Structural Only

FDC-343-1148 Service required for the demolition of 11 properties located in Evansburg State Park. Service shall be an hourly rate plus the necessary tipping fees required to remove the materials from site.

Department: Conservation and Natural Resources
Location: Evansburg State Park, 851 May Hall Rd., Collegeville, Pa. 19426
Duration: June 30, 2002
Contact: John Gribosh (610) 409-1150

070511 Notice is hereby given that the Department of Transportation is seeking bids for the demolition and removal of three (3) Commercial Structures in conjunction with the construction of SR 0022-B01 in Westmoreland County, Municipality of Murrys ville. The structures are located on Parcels 33, 34 and 86. Asbestos removal and utility disconnections may be required. For bid forms, plan sheets, date of inspection and further information, please contact person listed below.

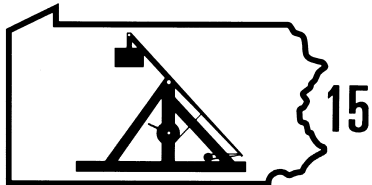
Department: Transportation
Location: 3888 William Penn Highway, Murrys ville, PA 15668
Duration: As specified in contract.
Contact: Ken Hawker (724) 325-7190



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.

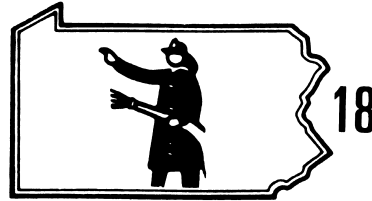
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

BOGM 01-17 Clean Out and Plug Eighty Three (83) Abandoned and Orphan Oil and Gas Wells estimated to be 2,000 feet each in depth; prepare and restore well sites; and mobilize and demobilize plugging equipment. This project issues March 22, 2002; payment in the amount of \$10.00 must be submitted before bid documents will be sent.

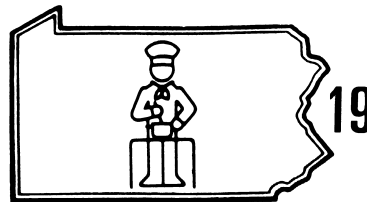
Department: Environmental Protection
Location: James H. Dippold, Rick Feronti, Jeffrey Slye, Heartwood Forestland Fund II, Pennsylvania Game Commission, Edward C. Kilgus, Department of Conservation and Natural Resources, Land Management Systems Inc., Seneca Highlands Conservancy Inc. and U. S. Army Corps of Engineers properties, Jones Township, Elk County
Duration: 310 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



Firefighting Services

APR #407011 Contractor to furnish necessary labor and testing, equipment/material to conduct inspections, testing, maintenance and repairs to the Fire Alarm and Detection Systems installed in twenty-two (22) buildings located in the Capitol Complex and outlying buildings.

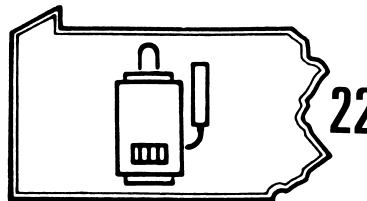
Department: General Services
Location: Dept. of General Services, Bur. of Maintenance Management, Capitol Complex & Outlying Bldgs., Room 403 North Office Bldg., Harrisburg, PA 17125
Duration: July 1, 2002 thru June 30, 2005
Contact: Bill Balchunas (717) 783-1170



Food

633476 Meat and Meat Products Bid.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 04/01/02 - 06/30/02
Contact: Bobbie Muntz, PA III (814) 726-4496



HVAC Services

HUN 369 Service contract to provide preventative maintenance for coal fired institutional boilers. Service to include repair, replace or plugging boiler tubes. Bid specifications will be provided by contacting the Agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: 7/01/02 to 6/30/03
Contact: Robert Jessell Pur Agt (814) 643-2400



Janitorial Services

2-2-00051 Janitorial service contract at Hyde Maintenance Building. Cleaning will be done nightly, Monday thru Friday excluding holidays. Building is a one story. Daily cleaning will consist of restrooms, emptying of waste baskets, sweeping, mopping tile floors, and vacuuming carpets. Waxing and buffing tile floors, wall washing, overhead lighting, venetian blinds, windows and dusting furniture will be scheduled as required by the Department.

Department: Transportation
Location: District 2-2 Hyde Maintenance Building, Washington Avenue & Hall Street, Hyde, PA 16843-0245, Clearfield County
Duration: 06/15/02 thru 06/14/03 with (4) One year renewals by letter.
Contact: Debbie Swank (814) 765-0524

102011 PennDOT of Butler County Maintenance District 1020, 351 New Castle Road, Butler, PA, is soliciting the services of individuals, firms, corporations to provide janitorial service for Butler County Maintenance Building #048-5762. Please fax on company letter head, your address, and Fed. I.D. or Soc. Sec. #, to 724-283-3571 or e-mail to askunda@state.pa.us.

Department: Transportation
Location: 351 New Castle Road, Butler, PA 16001
Duration: (2) Two-Year Contract, with option to renewal for (1) One year period.
Contact: Andy Skunda (724) 284-8226

BID 16 2 0391 476 Furnish janitorial cleaning and management services to the school. Required bidder's conference and site inspection on 4/4/2002 at 8 AM. RESERVATIONS REQUIRED. BID OPENING: 2 PM 4/10/02. All required information is in the bid package. DO NOT CALL FOR ADDITIONAL INFORMATION. Fax your request for a bid package to 570-963-4544, requesting bid package 16 2 0391 476 and to be placed on the bidders list.

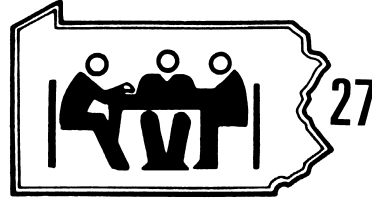
Department: Education
Location: Scranton State School for the Deaf, Pennsylvania Department of Education, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Effective Date through 8/31/2006
Contact: Merrill Mayenschein FAX (570) 963-4544



Laboratory Services

031a26 This contract consists of collecting samples and performing water quality analyses for wastewater discharges at I-80 Roadside Rest Areas in Columbia County and Montour County. Request for bid packages may be directed to S. A. Hunsinger at Fax # 570-387-4254.

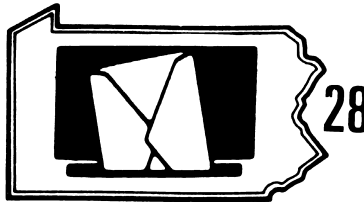
Department: Transportation
Location: I-80 Roadside Rest Area Columbia County, I-80 Roadside Rest Area Montour County
Duration: 12 month contract with possibility of four one year renewals.
Contact: S.A. Hunsinger Fax (570) 387-4254



Lodging/Meeting Facilities

SP3510023527 Provide lodging, meeting rooms and meals for the Department of Environmental Protection, Bureau of Land Recycling and Waste Management Client Workshop for approximately 175 attendees.

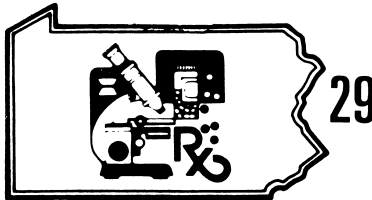
Department: Environmental Protection
Location: Within a 20-mile radius of downtown Pittsburgh, Pennsylvania with convenient access to Interstates 76 and/or 79.
Duration: Through 6/30/02, with option to renew.
Contact: Shery Morrow (717) 772-1216



Mailing Services

SP 10230001 To provide Courier Service between two District Offices within the Delaware County Assistance Office. Contract will run from 7/1/02 thru 6/30/07. Complete information will be specified in Bid Proposal Packet. Please fax your name/address/Fed.ID# to (717) 787-3560 to request a copy of the Bid Proposal #SP 10230001.

Department: Public Welfare
Location: Delaware County Assistance Office Travel between (2) District Offices, within CAO, 701 Crosby Street, Suite A Chester, PA 19013-6099
Duration: Anticipated term of contract runs from 07/01/02 to 06/30/07 with (2) additional one-year renewals.
Contact: Doyle Shull (717) 787-7585



Medical Services

SP#20782002 The contractor shall perform physical examinations of employees of Hamburg Center who are engaged in asbestos abatement work and other work requiring the use of respiratory protection equipment, in accordance with the requirements of the Asbestos Medical Monitoring Program (AAMP) of the Pennsylvania Department of Public Welfare. For detailed specification, submit FAX request on letterhead to the Hamburg Center, Hamburg, PA 19526 FAX: 610/562-6025

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526
Duration: Anticipated term of contract September 1, 2002 through August 31, 2005.
Contact: Beverly O. Epting, PA (610) 562-6031

20974002 Dental Lab Services.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 07/01/02 - 06/30/05
Contact: Bobbie Muntz, PA III (814) 726-4496

SBC-20974002 Dental Lab Services.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 07/01/02 - 06/30/05
Contact: Bobbie Muntz, PA III (814) 726-4496

554193 Podiatry Services.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365
Duration: 07/01/02 - 06/30/05
Contact: Bobbie Muntz, PA III (814) 726-4496

BID 16 2 0391 482 Provide registered nurse services to staff the school's infirmary during the school year. Some summer work may be required. Required bidders conference and site inspection at 1 PM on 4/4/02. Reservations required. Bid opening at 3 PM on 4/16/02. All required information is in the bid package. DO NOT CALL FOR ADDITIONAL INFORMATION. Fax your request for a bid package to 570-963-4544 requesting bid package 16 2 0391 482 and to be placed on the bidders list.

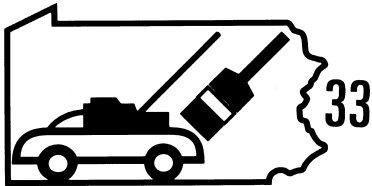
Department: Education
Location: Scranton State School For The Deaf, Pennsylvania Department Of Education, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Effective 7/1/02 to 9/1/07
Contact: Merrill Mayenschein FAX 570-963-4544

SP 20777002 Medical Testing for Employees in Asbestos Abatement work.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 1, 2002 thru June 30, 2007
Contact: Stanley Rygelski, PA (570) 587-7291

017 FUNDING ALERT FOR PHYSICIANS The Northwest PA Rural AIDS Alliance is seeking physicians to staff its rural health care clinic. Funding is available to hold clinics for individuals infected with and affected by HIV/AIDS one or two days per month in the following counties: Clarion, Clearfield, Erie, Jefferson, Mercer, Venango and Warren. Physicians interested in serving this population should contact Jeff Curtis at the Alliance at 814-764-5173 or 1-800-359-2437 to obtain an information packet. To be considered for funding, a brief proposal, including a budget and work statement, must be postmarked by March 23, 2002 or delivered to the Alliance office by March 25, 2002 at 4:00 p.m.

Department: Health
Location: Clarion University of PA
Duration: One year; renewable
Contact: Jeff Curtis 1-800-359-2437

**Property Maintenance**

DES046 Provide snow and ice removal services and provide labor, materials and equipment to cut, trim, and maintain grass area (avg. 3 mowings per month) and provide two (2) applications of fertilizer and (2) applications of herbicides per year at the New Castle Driver Exam Site, R D #2, Box 290, New Castle, PA, 16101. Bid packages can be obtained by calling (717) 783-3931 or faxing request to (717) 783-7971. Service will be needed November, 2002.

Department: Transportation
Location: New Castle Driver Exam Site, R D #2, Box 290, New Castle, PA 16101
Duration: 5 years (effective November 2002)
Contact: Susan Sobotor (717) 783-3931

DES045 Provide snow and ice removal services at the Bortondale Driver Exam Site, 440 South Middletown Road, Bortondale, PA, 19065. Bid packages can be obtained by calling (717) 783-3931 or faxing request to (717) 783-7971. Service will be needed November, 2002.

Department: Transportation
Location: Bortondale Driver Exam Site, 140 South Middletown Road, Bortondale, PA 19065
Duration: 5 years (effective November 2002)
Contact: Susan Sobotor (717) 783-3931

ME-10881082 Repaint the exterior trim of Chapel and spray/seal the cedar shingles of the clock tower at the Loysville Youth Development Center.

Department: Public Welfare
Location: Loysville Youth Development Center, R.D. #2, Box 365B, Loysville, PA 17047
Duration: Undetermined
Contact: Dee Kuhn 717-789-5509

BID 16 1 0391 513 Furnish labor to remove existing floor material, disposal, make repairs to sub flooring and install new floor material. Required bidder's conference, field measurements and site inspection at 8 AM on April 5, 2002. RESERVATIONS REQUIRED. Bid Opening: 8 AM 4/15/02 All information is in the bid package. DO NOT CALL FOR ADDITIONAL INFORMATION. Fax your request for a bid package to 570-963-4544 requesting bid package 16 1 0391 513, Flooring. Performance Bond and Bid Bond required.

Department: Education
Location: Scranton State School for the Deaf, Pennsylvania Department of Education, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: All scope of work must be completed by 6/30/02
Contact: Merrill Mayenschein FAX (570) 963-4544

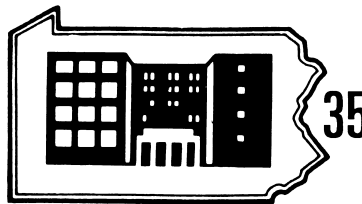
Tavern kitchen renovation shall include, but not limited to: demolition, rough carpentry, finish carpentry, cabinetry, painting, electrical and plumbing.

Department: Historical and Museum Commission
Location: Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601
Duration: 45 days
Contact: William R. Morrow 717/569-5788

**Railroad/Airline Related Services**

RFP 1R-02 RFP 1R-02 PENNDOT is soliciting proposals to conduct Runway Safety Area Inventories at each of the block grant eligible airports, using the procedures outlined in the Federal Aviation Administration's "Runway Safety Area Program". Additional information and a copy of the RFP may be obtained by faxing a request with the following: your name, address, phone number, fax number, and E-mail address. Please reference RFP 1R-02 in your request to Vickie Mahoney at (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: 12 Months with possible extensions.
Contact: Vickie Mahoney (717) 787-7001

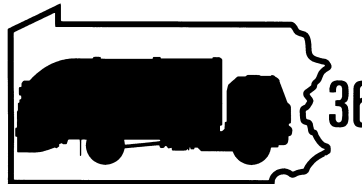
**Real Estate Services**

93401 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 6,403 useable square feet of office space with a minimum parking for 23 vehicles, within the corporate borough limits of Selingsgrove, Snyder County, PA. Downtown locations will be considered. For more information on SFP #93401 which is due on May 6, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz (717) 787-0952

060031 The Department of Transportation (District 6) is accepting bids for providing full title searches, bring downs, settlements, disbursements and recording deeds in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. To obtain a bid package, please fax your Company Name, address and phone & fax number to David Scott, Assistant District Right-of-Way Administrator at 610-205-6599, or E-mail your information to dscott@dot.state.pa.us. Bids will be opened on April 10, 2002 at 11:00 a.m. at the District 6 Office, 7000 Geerdes Boulevard in King of Prussia, PA 19406.

Department: Transportation
Location: Bucks, Chester, Delaware, Montgomery and Philadelphia Counties
Duration: Three year contract with an option to renew for 2 years.
Contact: David Scott (610) 205-6523

**Sanitation**

SP3863000106 Solid waste collection and disposal.

Department: Conservation and Natural Resources
Location: Canoe Creek State Park, RR 2 Box 560, Rt. 22, Hollidaysburg, PA 16648-9752
Duration: 7/1/02 thru 6/30/07
Contact: Terry Wentz (814) 695-6807

SP3863000107 Solid waste collection and disposal.

Department: Conservation and Natural Resources
Location: Trough Creek State Park, RR1 Box 211, Rt. 994, James Creek, PA 16657-9302
Duration: 7/1/02 thru 6/30/07
Contact: Terry Wentz (814) 695-6807

SP3863000108 Solid waste collection and disposal.

Department: Conservation and Natural Resources
Location: Trough Creek State Park, RR1 Box 211, Rt. 994, James Creek, PA 16657-9302
Duration: 7/1/02 thru 6/30/07
Contact: Terry Wentz (814) 695-6807

SP3863000109 Solid waste collection and disposal.

Department: Conservation and Natural Resources
Location: Little Buffalo State Park, 720 Gill Hill Road, Newport, PA 17074
Duration: 7/1/02 thru 6/30/07
Contact: Harold Bloom (717) 567-9255

SP-20881001 Provide pharmaceutical services.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA (Montour County) and the Southeast Secure Treatment Unit, 1824 W. Strasburg Road, West Chester, PA (Chester County)
Duration: 7/1/02 through 6/30/03
Contact: Dee Kuhn (717) 789-5509

ADV-158 Indiana University of Pennsylvania (IUP) is seeking bids for Water Treatment Chemicals & Services for condenser water and chilled water in air conditioning units campuswide. Request for copies of bid package should be made in writing referencing Advertisement #ADV-158 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until March 29, 2002. The University encourages responses from small and disadvantaged, minority, and

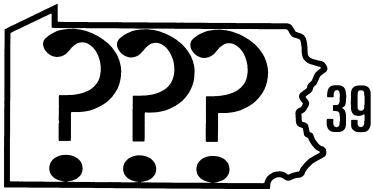
Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: (5) years
Contact: Mrs. Roxie M. Johnson 724.357.3077

[Pa.B. Doc. No. 02-485. Filed for public inspection March 22, 2002, 9:00 a.m.]

**Security Services**

03-A-02 Security Guard Services: Provide unarmed, uniformed security guard services during the hours of 8:00 AM to 5:00 PM Monday through Friday, except State Holidays for the Unemployment Compensation Referee Office, 444 North Third Street, Second Floor, Philadelphia, PA 19123

Department: Labor and Industry
Location: Department of Labor and Industry, Unemployment Compensation Referee Office, 444 North Third Street, Second Floor, Philadelphia, PA 10123
Duration: Upon approval through September 30, 2003 with one (1) two (2) year renewal option
Contact: Cherianita Thomas/BF (717) 787-2877

**Miscellaneous**

RFP #2002-02 The Pennsylvania State System of Higher Education, Educational Resources Group, is soliciting proposals from vendors to provide professional library binding services for original binding or rebinding of serials, books, maps, newspapers, music scores, theses, and other materials amounting to approximately 30,597 volumes for its 14 universities. Interested and qualified vendors may obtain a Request for Proposal (RFP #2002-02) by contacting the issuing office: Linda Venneri, Procurement Manager, Educational Resources Group, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110; 717-720-4135. E-mail requests may be sent to lvenneri@ergpa.org. The RFP is also available at the following website: <http://www.ergpa.org/procurement/bidsopen.html>. Proposals are due no later than April 11, 2002; 3:00 p.m.

Department: State System of Higher Education
Location: Harrisburg, PA
Duration: Five Years
Contact: Linda Venneri (717) 720-4135

SP3520024172 Provide for the removal and reinstallation of Haworth and Dowcraft furniture for the Departments of Environmental Protection (DEP) and Conservation and Natural Resources (DCNR) in the Rachel Carson State Office Building and other DEP/DCNR leased facilities.

Department: Environmental Protection
Location: Rachel Carson State Office Building and other DEP/DCNR leased facilities.
Duration: Through 6/30/04, with option to renew.
Contact: Sherry Morrow (717) 772-1216

634455 Timber Cut Service.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 07/01/02 - 06/30/03
Contact: Bobbie Muntz, PA III (814) 726-4496

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <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 POWELL LOGAN,
Secretary

STATE CONTRACTS INFORMATION

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 |
|--|---|--|-----------------------------|
| 1133811-01 | 03/11/02 | Kinsley Construction | \$47,473.00 |
| 1227111-01 | 03/11/02 | SmithKline Beecham/ GlaxoSmithKline | 2,613,481.82 |
| 1233141-01 | 03/11/02 | Harrisburg Jet Center | 52,016.00 |
| 1254111-01 | 03/11/02 | Agway | 74,400.00 |
| 1255121-01 | 03/11/02 | Moore North America | 288,397.10 |

| Requisition or Contract No. | PR Award Date or Contract Effective Date | To | In the Amount Of |
|--|---|---|-----------------------------|
| 1265201-01 | 03/11/02 | Jerry's Sports Center | 67,050.00 |
| 8251500-01 | 03/11/02 | H Barber & Sons | 554,400.00 |
| 8254030-01 | 03/11/02 | Furnival Machinery KELLY POWELL LOGAN, <i>Secretary</i> | 719,085.00 |

[Pa.B. Doc. No. 02-486. Filed for public inspection March 22, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 11]
State Parks; General Provisions

The Department of Conservation and Natural Resources (Department), Bureau of State Parks (Bureau), proposes to amend Chapter 11 (relating to general provisions). The amendments update the chapter to improve the protection of State park resources, the safety of visitors and the recreational opportunities of park visitors.

These proposed amendments also reorganize Chapter 11 and eliminate unnecessary provisions. The present sections of Chapter 11 are deleted and replaced with §§ 11.201—11.224.

Statutory Authority

These amendments are proposed under the authority in sections 303, 313 and 314 of the Conservation and Natural Resources Act (act) (71 P.S. §§ 1340.303, 1340.313 and 1340.314); and 18 Pa.C.S. §§ 7505 and 7506 (relating to violation of governmental rules regarding traffic; and violation of rules regarding conduct on Commonwealth property).

Background and purpose

Under Executive Order 1996-1, the Department reviewed Chapter 11 and determined that it needed to be updated, reorganized and streamlined. This proposed rulemaking is intended to accomplish these objectives, as well as to incorporate the flexibility to expand recreational opportunities of the public in State parks.

The substance of most provisions in the current Chapter 11 is retained in the proposed amended chapter, but many of these provisions appear in a different arrangement. In addition, unnecessary provisions have been eliminated. These include provisions that would more appropriately be in the form of permit conditions rather than regulations; provisions that are matters of internal Department policy rather than rules governing conduct of the public in State parks; and provisions that merely restate Fish and Boat Commission regulations.

In the current Chapter 11, many rules of conduct carry criminal penalties—the offender may be cited with a summary offense—while others do not. The only means of enforcing the latter is to order the offender to leave a State park. An offender who refuses to leave may be charged with criminal trespass, a misdemeanor. In the revised Chapter 11, all rules of conduct carry a criminal penalty. Therefore, the revised chapter gives officers more flexibility in enforcing the regulations—if a regulation needs to be enforced against a park visitor, the officer may either cite the offender for violating the regulation or order the offender to leave the State park.

Finally, as a result of several successful pilot programs, this proposed rulemaking liberalizes some provisions in Chapter 11 to expand recreational opportunities in State parks.

Summary of the Proposed Amendments

Title. The title of Subpart B is changed from “State Recreation Areas” to “State Parks,” and all references throughout Chapter 11 to “State Recreation Area” are changed accordingly. This change is being made because the act uses the term “State parks” to refer to land which the Department has jurisdiction to acquire and administer for State park purposes. The term “State Recreation Areas” does not appear in the act.

Definitions. Section 11.201 (relating to definitions) replaces current § 11.1 (relating to definitions). The new definition of “State park” includes all areas which, under the act, the Department has the authority to acquire and administer for State park purposes. The terms “family unit” and “resident” are deleted from the definition section because they are not used in the revised chapter. It should be noted that the term “resident” is also not used in current Chapter 11.

Scope. Section 11.202 (relating to scope) replaces current § 11.2 (relating to scope).

State park waters. Section 11.203 (relating to State park waters) replaces current § 11.62 (relating to State Recreation Area waters). Current § 11.62(d) is deleted because it consists of both internal Department policy, which does not require a regulation, and a provision that is redundant with new § 11.204 (relating to application of Fish and Boat Commission rules and Game Commission rules).

Fish and boat and game rules. Section 11.204 replaces current § 11.7 (relating to application of game and fish rules).

Trespass. Section 11.205 (relating to trespass) replaces current § 11.6 (relating to trespass).

Property left in a State park. Section 11.206 (relating to property left in a State park) replaces current § 11.15 (relating to property left in State Recreation Areas).

Traffic and parking. Section 11.207 (relating to traffic and parking) replaces current §§ 11.3, 11.4 and 11.16 (relating to crimes and offenses—traffic and parking; application of the Vehicle Code; and bus parking). It adds as a summary offense parking without the proper authorization in an area designated for persons with disabilities.

Vehicle Code. The provision in current § 11.4 stating that the Vehicle Code is applicable in State parks is eliminated in the revised chapter because it has been a source of confusion and is unnecessary. The intent of the provision was to make the public aware that the regulations governing operation of a vehicle in a State park do not negate the applicability of 75 Pa.C.S. (relating to the Vehicle Code). The provision is not necessary because the Vehicle Code’s applicability in any given situation or location is governed by the provisions of the Vehicle Code itself.

Schedule; closure. Section 11.208 (relating to schedule; closure) replaces current §§ 11.8, 11.111 and 11.122 (relating to schedule; evening driving; and fishing hours). In response to requests by the public, particularly those who enjoy jogging and walking in the early morning, the new section provides that State parks will open at sunrise (unless otherwise posted), rather than at 8 a.m. under current § 11.8.

Current § 11.8 allows use of camping facilities and cabins 24-hours a day by persons who have permits. This provision is deleted in new § 11.208 because it is contained in permits issued to these persons.

New § 11.208 adds hunting, trapping and snowmobiling as activities that are permitted 24-hours a day. This provision reflects current Bureau policy.

Miscellaneous activities. Section 11.209 (relating to miscellaneous activities) replaces current § 11.5(a)(3), (5) and (7)—(14) (relating to crimes and offenses—general). It also prohibits the following activities: removing or disturbing an historical or archeological artifact, relic or object; bringing an animal, other than a pet, into a State park; failing to comply with a condition of a permit; obstructing or impeding persons or vehicles, or subjecting persons to unwanted physical contact or unwanted verbal behavior; failing to dress appropriately; and storing or leaving food in a manner that is reasonably likely to attract wildlife.

Fires. Section 11.210 (relating to fires) replaces current § 11.5(a)(17) and (18) and adds a new prohibition against disposing hot charcoal except in a facility designated by the Department for charcoal disposal.

Natural resources. Section 11.211 (relating to natural resources) replaces current § 11.9 (relating to wood) and § 11.5(a)(4), which prohibit cutting, removing, damaging or defacing a tree, rock, plant or other natural object. However, under the new section, gathering edible fruits, nuts, berries and fungi (other than threatened, endangered, rare or vulnerable wild plants) in reasonable amounts for one's own personal or family consumption is permitted. In addition, gathering dead and down wood for use within the State park in designated campfire facilities is permitted. The new section prohibits planting seeds, trees, shrubs or plants; feeding wildlife; and releasing animals that were brought into a State park.

Pets. Section 11.212 (relating to pets) replaces current § 11.5(a)(19) and § 11.11 (relating to pets). The current sections require a 6-foot leash for pets. As a result of a successful pilot program, new § 11.212 does not mandate a maximum leash length. Instead, it states that if posting specifies the maximum length, the leash may not exceed this length. In addition, it permits use of a cage or crate as an alternative to leashing.

New § 11.212 adds the following conditions to the keeping of a pet in a State park: the pet may not behave in a manner that may reasonably be expected to disturb or intimidate another person; it may not behave in a manner that may cause damage to property; its droppings must be disposed of in trash receptacles or outside the park; and it must have been licensed and vaccinated as required by law.

Organized events; public assemblies; distribution of written material. Section 11.213 (relating to organized events; public assemblies; distribution of printed matter) replaces current § 11.5(a)(6) and (12) and current § 11.13 (relating to proselytism and distribution of printed matter). The new section generally prohibits organized events, public assemblies or distribution of printed matter without written permission of the Department. The procedure for requesting permission and for the Department's handling of a request is substantially the same as under the current § 11.13, but the provision has been simplified.

Waste. Section 11.214 (relating to waste) replaces current § 11.5(a)(15) and (16). The prohibition against dis-

posing of waste is expanded to specify the types of material that are considered to be waste and to refer to posted instructions.

Weapons and hunting. Section 11.215 (relating to weapons and hunting) replaces current §§ 11.5(a)(7) and 11.10 and § 11.115 (relating to duck hunting). A provision is added prohibiting target-shooting except in areas designated by the Department. This target-shooting provision reflects current Bureau policy.

General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes. Section 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes) replaces current § 11.12 (relating to recreational activity). The provision relating to horses is expanded to prohibit hitching or confining a horse in a manner that may cause damage to property, and to require the disposal outside the park of droppings from hitched or confined horses. The meaning of "antlerless deer season" in relation to the use of snowmobiles is clarified to allow for changes in Game Commission regulations establishing deer seasons. A new provision is added permitting mountain bikes on trails only if the trail is posted as being open for mountain biking. This biking provision reflects current Bureau policy and practice.

Swimming. Section 11.217 (relating to swimming) replaces the following current sections under "Swimming Areas": §§ 11.21—11.27.

Current § 11.25 (relating to closure), which states that the Department will close entry to a swimming area when it reaches capacity, is eliminated in the revised chapter, because it is a matter of internal Department policy and does not require a regulation.

Under the new § 11.217, hours during which swimming is permitted are as posted.

The provisions relating to attire worn in designated swimming areas are expanded. Clothing may not display lifeguard lettering or insignia. In swimming pools, children who are not toilet-trained must be clothed in leak-proof clothing. The requirements concerning supervision of children are more specific than the current requirements. Current § 11.27 (relating to supervision of children required) requires that children 9 years of age or younger be supervised by a "responsible" person. The new provision requires that children under 10 years of age be supervised "competently and effectively by a person at least 14 years of age."

Provisions addressing diving and sports activities are added. Running-entry diving, diving from the shoulders of another person and head-first diving from poolside in shallow water are prohibited.

Because of a successful pilot program, aquatic apparatus that is prohibited under current § 11.23 (relating to aquatic apparatus) is allowed under new § 11.217(8) if permission is given by posting or by an on-duty lifeguard. Similarly, engaging in sports activities, including water polo, volleyball, disc throwing and catch, is prohibited unless permission is given by posting or by an on-duty lifeguard.

Camping; overnight facilities. Section 11.218 (relating to camping; overnight facilities) replaces current § 11.5(21). It prohibits camping or using an overnight facility without a permit.

The sections in current Chapter 11 that govern the conduct of persons using overnight facilities are eliminated in the revised chapter and will appear instead as

conditions of the permits issued to these persons, including §§ 11.32—11.39, 11.101 and 11.102. Section 11.209(b)(1) of this proposed rulemaking prohibits the failure to comply with a condition of a permit.

Some provisions under “Camping Areas” and “Cabin Areas” in current Chapter 11 are matters of internal Department policy and do not require regulations. For that reason they are eliminated in the revised chapter, including §§ 11.31, 11.32(d), 11.34(a) and 11.41(c). Sections 11.34(b) and 11.41(b) (relating to camping permits; and occupancy and use of cabins) are deleted because they are statements of statutory authority and are not needed as regulations.

Boating. Many of the boating provisions in current Chapter 11 are merely reiterations of Fish and Boat Commission regulations. These provisions are eliminated in the proposed rulemaking because they are enforceable as Fish and Boat Commission regulations. The provisions being eliminated are the following sections under “Boating Areas”: §§ 11.68—11.71 and 11.73; and the following sections under “Special Provisions for Presque Isle State Park”: §§ 11.117, 11.119, 11.121(a) and 11.124.

New § 11.219 (relating to boating) applies to boating other than whitewater boating. It replaces the following sections under “Boating Areas”: §§ 11.63 and 11.72—11.74; and the following sections under “Special Provisions for Presque Isle State Park”: §§ 11.118 and 11.121(b) (relating to boating near beach areas; and anchoring of watercraft).

The provisions in current §§ 11.61 and 11.64 (relating to use; and mooring and dock space—general) are eliminated in the revised chapter because they are matters of internal Department policy or are more appropriate as permit conditions than as regulations.

Two current sections under “Special Provisions for Presque Isle State Park” are eliminated because they covered by other provisions. Section 11.120 (relating to hydroplaning) is eliminated because it is covered by a Fish and Boat Commission regulation establishing a slow, no-wake zone for boating within 500 feet of shore at Presque Isle State Park. Section 11.121(b) is eliminated because it is covered by new § 11.219(e)(1).

As a result of a successful pilot program, new § 11.219(b)(4)(viii) permits the use of surfboards and body boards in designated areas of Presque Isle State Park.

New § 11.219(e)(1)(ii) replaces current § 11.94 (relating to boat mooring) under “Special Provisions for Point State Park.”

Current § 11.73 (relating to motor boats) specifies power restrictions for motorboats at each park where boating is permitted. Only electric motors are permitted at some parks, and horsepower limits are specified for most parks where internal combustion engines are allowed. New § 11.219 replaces these power restrictions with a requirement that boaters must comply with power restrictions as posted. Although the power restrictions posted at each park are established by Fish and Boat Commission regulations, the removal of these restrictions from Chapter 11 and the reliance on posting allows for flexibility in the future.

Whitewater boating. Section 11.220 (relating to whitewater boating) replaces current § 11.75 (relating to whitewater boating). The quota provisions in § 11.75(a)(3) are eliminated from the chapter because they are matters of internal Department policy and do not require regulations. Provisions applicable to whitewater boating at all

three whitewater State parks have been consolidated under subsections (a), entitled “general requirements” and (b), entitled “general prohibitions” of new § 11.220. Subsection (c) contains additional provisions applicable only to Ohioypyle State Park; subsection (d) applies only to Lehigh Gorge State Park and subsection (e) applies only to McConnells Mill State Park.

As a result of a successful pilot program, the prohibition in current § 11.75(a)(3)(iv) prohibiting weekend and holiday use of the Youghiogheny River Loop before 3 p.m. from May 1 to September 30 is eliminated.

Point State Park. Section 11.221 (relating to special provisions for Point State Park) replaces current §§ 11.91, 11.92, 11.95 and 11.96 under “Special Provisions for Point State Park.” Under new § 11.221(4), an exception is permitted to the prohibition against wheeled recreational equipment, such as bicycles. The Department can allow an exception by means of posting or written permission. This is a liberalization of current § 11.96 (relating to recreational equipment), which allows no exception to the prohibition against the equipment, and is the result of a successful pilot program at Point State Park. Under this pilot program, posting states that bicycling is permitted on a route from the north side of the park along the walkway on the Fort Duquesne Bridge, through the Park’s portal, then exiting the Park at the north end of Commonwealth Place

Section 11.93 (relating to group activities) is deleted from the Point State Park provisions because it is redundant with new § 11.213. Section 11.94 is replaced by new § 11.219(e)(1)(ii).

Presque Isle State Park. Section 11.222 (relating to special provisions for Presque Isle State Park) replaces current §§ 11.112, 11.113 and 11.123 (relating to visiting after closing; violation of night parking permit; and seining for bait). Current § 11.116 (relating to duck blind permits) is eliminated in the revised chapter because it is a matter of internal Department policy and is not required as a regulation.

Violation of rules regarding conduct in State parks—summary offense. Section 11.223 (relating to violation of rules regarding conduct in State parks) is a new provision. Under this section, engaging in any activity that is prohibited under Chapter 11 (other than a traffic or parking offense, which is covered under new § 11.207) constitutes a summary offense. This new provision is intended to correct several problems in the current Chapter 11.

First, under the current Chapter 11, confusion often arises from the fact that the violation of some rules is clearly identified as a summary offense, but the violation of others is not. The only means of enforcing the latter is for a law enforcement officer to order the offender to leave the park; a person who refuses to leave the park may then be charged with the misdemeanor of criminal trespass. There appears to be no rational basis for considering some types of violations but not others as summary offenses. The new § 11.223 will eliminate this distinction and will allow any rule to be enforced as a summary offense.

Second, § 11.223 will give law enforcement officers greater flexibility in enforcing the rules and regulations in Chapter 11. Currently, if a park officer determines that enforcement is necessary in a particular situation, and the violation is not one of those listed in Chapter 11 as being a summary offense, the officer has no alternative but to order the offender to leave the park; if the offender refuses to leave, the park officer may file a charge of

criminal trespass, which is a misdemeanor. Under the new § 11.223, the park officer has the option of issuing a summary citation to enforce any regulation.

Prices. Section 11.224 (relating to prices) replaces current §§ 11.14 and 11.164 (relating to volunteer projects and State Recreation Area promotion; and fees). The reference in current § 11.164 to the Environmental Quality Board is eliminated because under section 313(f) of act, the Environmental Quality Board has no authority over matters within the Department's jurisdiction. New § 11.224 does not itemize the activities, uses and privileges for which fees may be charged. These items and the prices to be charged will be published in the *Pennsylvania Bulletin*.

Affected Individuals

Chapter 11 governs the conduct of visitors to State parks, and therefore, State park visitors will be affected by the revisions to this chapter. In 2001, State parks had 36—38 million visitors. The proposed rulemaking adds rules of conduct, liberalizes some current rules of conduct and revises the application of criminal sanctions for violation of rules of conduct.

Cost and Paperwork Requirements

The revision of Chapter 11 will result in no additional costs or paperwork requirements for the general public, local governments or the private sector. The only additional costs for the Commonwealth will be the Department's costs in revising rules and regulations booklets, summaries of rules and regulations for posting in State parks, web pages and permits to include conditions that are being eliminated from Chapter 11; posting horsepower limits for motorboats; and posting length limits for pet leashes.

Effective Date/Sunset Date

These amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*. Chapter 11 will thereafter be monitored by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

Contact Person

These proposed amendments are posted on the Department's website at www.dcnr.state.pa.us. Written comments, suggestions or objections from interested persons will be accepted by the Department for 60 days after publication of these proposed amendments in the *Pennsylvania Bulletin*. The comments may be directed to Gary Smith, Chief, Division of Park Operations and Maintenance, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551; fax (717) 783-5017; or e-mail at garysmith@state.pa.us.

Alternative means of providing comments and alternative formats of the proposed amendments may be made available to persons with disabilities upon request by contacting Gary Smith at (717) 787-8800 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 13, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees

with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed rulemaking, it will notify the Department by June 21, 2002. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

JOHN C. OLIVER,
Secretary

Fiscal Note: 7B-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart B. STATE [RECREATIONAL AREAS] PARKS

CHAPTER 11. GENERAL PROVISIONS

(Editor's Note: The Department is proposing to delete the current version of Chapter 11 as it appears in *Pennsylvania Code* pages 1-1 to 11-39 (serial pages (217041) to (217079)).

Sec.

- 11.1—11.16. (Reserved).
- 11.21—11.27. (Reserved).
- 11.31—11.39. (Reserved).
- 11.41—11.52. (Reserved).
- 11.61—11.83. (Reserved).
- 11.91—11.96. (Reserved).
- 11.101—11.102. (Reserved).
- 11.111—11.124. (Reserved).
- 11.151—11.164. (Reserved).
- 11.201. Definitions.
- 11.202. Scope.
- 11.203. State park waters.
- 11.204. Application of Fish and Boat Commission rules and Game Commission rules.
- 11.205. Trespass.
- 11.206. Property left in a State park.
- 11.207. Traffic and parking.
- 11.208. Schedule; closure.
- 11.209. Miscellaneous activities.
- 11.210. Fires.
- 11.211. Natural resources.
- 11.212. Pets.
- 11.213. Organized events; public assemblies; distribution of printed matter.
- 11.214. Waste.
- 11.215. Weapons and hunting.
- 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.
- 11.217. Swimming.
- 11.218. Camping; overnight facilities.
- 11.219. Boating.
- 11.220. Whitewater boating.
- 11.221. Special provisions for Point State Park.
- 11.222. Special provisions for Presque Isle State Park.
- 11.223. Violation of rules regarding conduct in State parks.
- 11.224. Prices.

§ 11.201. Definitions.

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

Act—The Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1102).

Commercial activity—An activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

Crimes Code—Title 18 *Pennsylvania Consolidated Statutes*.

Department—

(i) The Department of Conservation and Natural Resources of the Commonwealth.

(ii) The term includes authorized officials of the Department.

Designated swimming area—

(i) A swimming pool, wading pool or the area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters or other body of water, which is designated, developed, maintained and operated by a State park for bathing and swimming purposes.

(ii) The term includes the land, buildings, equipment and appurtenances used in connection with the body of water.

Fish and Boat Code—Title 30 *Pennsylvania Consolidated Statutes*.

Game and Wildlife Code—Title 34 *Pennsylvania Consolidated Statutes*.

Person—A corporation, company, club, firm, association, society, partnership, joint stock company, governmental agency or individual.

Pet—A dog, cat or other domestic animal.

State park—

(i) An area under the jurisdiction of the Department acquired or administered as a park under section 303 of the act (71 P. S. § 1340.303) or designated or administered as a park under section 302(a)(12) of the act (71 P. S. § 1340.302(a)(12)).

(ii) The term includes:

(A) A State park.

(B) A State park preserve.

(C) A parkway.

(D) A conservation area as defined in § 44.1 (relating to defined) that is administered and managed by the Department's Bureau of State Parks.

(E) A State Park Natural Area as defined in § 17.2 (relating to State Parks Natural Area definition).

(F) An environmental education center administered by the Department's Bureau of State Parks.

(G) State park waters under § 11.203 (relating to State park waters).

Summer season—The period beginning on the Saturday of Memorial Day weekend and continuing through Labor Day.

Vehicle Code—Title 75 *Pennsylvania Consolidated Statutes*.

§ 11.202. Scope.

(a) This chapter applies to State parks.

(b) The prohibitions in this chapter do not apply to authorized Department employees, authorized volunteers and concessionaires acting within the scope of their duties

or concession agreement, or to Federal, State and municipal law enforcement officers performing their official duties.

§ 11.203. State park waters.

The Department has jurisdiction over the following bodies of water:

(1) *General*.

(i) Lakes, water impoundments and other bodies of water that are wholly owned by the Department or completely surrounded by State park land.

(ii) Creeks, streams and nonnavigable rivers that run through or along State parks.

(iii) Water areas within a 100-foot safety zone around launching, swimming, docking, mooring and marina facilities at State parks.

(2) *Presque Isle State Park*. Misery Bay, Marina Lake, Thompson Bay, Horseshoe Pond, Duck Pond, lagoons and all the waters in Lake Erie and Presque Isle Bay within 500 feet of the low-water mark of the peninsula of Presque Isle.

(3) *Pymatuning State Park*. Pymatuning Lake.

§ 11.204. Application of Fish and Boat Commission rules and Game Commission rules.

Title 58 Pa. Code Parts II and III (relating to Fish and Boat Commission; and Game Commission) apply in State parks to activities under the jurisdiction of the Fish and Boat Commission and the Game Commission. However, to the extent that this chapter is more restrictive than 58 Pa. Code Part II or III, this chapter applies.

§ 11.205. Trespass.

(a) A person who violates this chapter, disregards an instruction or warning given by a Department-commissioned officer or interferes in the performance of the duties of a Department-commissioned officer, may be ordered to leave a State park.

(b) A person who refuses to leave a State park after receiving an order to leave from a Department-commissioned officer commits an act of criminal trespass under section 3503(b) of the Crimes Code (relating to criminal trespass).

§ 11.206. Property left in a State park.

(a) Property that has been left in a State park for more than 24 hours without written permission of the Department, or property that impedes public access or navigation, may be moved or removed by the Department and placed in storage at the State park. The property may be subject to disposal under Article XIII.1 of The Fiscal Code (72 P. S. §§ 1301.1—1301.29) or as otherwise provided by law or by agreement between the owner and the Department.

(b) Property that has been stored under this section will be released from storage only upon adequate proof of ownership and payment of the charges established under § 11.224 (relating to prices).

§ 11.207. Traffic and parking.

(a) *Traffic*. Operation of a motor vehicle, as defined in the Vehicle Code, as follows is prohibited:

(1) On a State park road at a speed in excess of the posted limit or, where no speed limit is posted, in excess of 25 miles per hour.

(2) On a State park road, lane, trail or area that is posted as closed to motor vehicles, except with permission of the Department.

(3) Off a road or outside a parking area, except on a trail or in an area posted as open to motor vehicles, or except with written permission of the Department.

(4) So as to cause noise that would likely annoy or disturb a reasonable person of normal sensitivities.

(5) Not in obedience to traffic-control devices.

(6) For purposes of commercial activity without written permission from the Department.

(b) *Parking.* The following activities are prohibited:

(1) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment in an area designated by the Department for persons with a disability unless the vehicle is operated by, or for the transportation of, a person with a disability or a severely disabled veteran and the vehicle displays one of the following:

(i) A valid person-with-disability registration plate or a valid severely-disabled-veteran registration plate, issued in accordance with the Vehicle Code, or a substantially equivalent issuance from another state.

(ii) A valid person-with-disability parking placard or a valid severely-disabled-veteran placard, issued in accordance with the Vehicle Code, or a substantially equivalent issuance from another state.

(iii) A valid placard provided by the Department's Bureau of State Parks indicating issuance of authorization to operate the vehicle on State park land.

(2) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment as follows without written permission of the Department:

(i) In an area other than an area designated by the Department for parking.

(ii) In a location that obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround.

(iii) In an area that is posted as closed.

(iv) At a campsite.

(v) When the park is closed under § 11.208 (relating to schedule; closure).

(3) Parking a bus in an area that is posted as being closed for buses.

(c) *Removal; storage.* A motor vehicle, boat trailer, camp trailer or other vehicle or equipment parked in violation of subsection (b) may be removed and stored at the owner's expense upon authorization of the Department.

(d) *Violations.* Engaging in an activity in violation of this section constitutes a summary offense under section 7505 of the Crimes Code (relating to violation of government rules regarding traffic).

(e) *Parking tickets.*

(1) Prior to filing a citation charging a summary offense for violation of subsection (b), the Department may issue a parking ticket, which will be handed to the violator or placed on the windshield of the violator's vehicle. The Department will not file a citation if the violator pays a charge to the Department in the amount of the maximum fine as provided in section 7505 of the Crimes Code within 5 days of the violation as specified on the ticket.

(2) If it has issued a parking ticket, the Department will file a citation only if the violator fails to pay the charge within the time limit specified in paragraph (1) and in the manner specified on the ticket, as provided for in 234 Pa. Code (relating to rules of criminal procedure).

(3) If it has not issued a parking ticket, the Department may file a citation as provided for in the 234 Pa. Code.

(f) *Violations of parking provisions of the Vehicle Code.* Violations of sections 3351—3354 of the Vehicle Code (relating to stopping, standing and parking) will be handled in accordance with subsection (e) except that the amount of the charge imposed by a parking ticket will be \$15.

§ 11.208. Schedule; closure.

(a) *General.* Except as otherwise provided in subsections (b)—(f), as otherwise provided in this chapter, and as otherwise posted, State parks are open to the public daily only from sunrise until sunset.

(b) *Point State Park.* Point State Park is open to the public from 8 a.m. to 11 p.m.

(c) *Presque Isle State Park.* Presque Isle State Park is open to the public from 5 a.m. until sunset. After sunset, it is open only to tenants, persons with visitor passes and persons engaged in evening driving. The closing hour for evening driving is as posted.

(d) *Fishing and boating.* Subject to § 11.219 (relating to boating), areas designated for fishing and nonwhite-water boating are open to the public for these purposes 24-hours per day. However, at Presque Isle State Park, fishing is permitted only during hours when the park is open to the public.

(e) *Hunting and trapping.* Subject to § 11.215 (relating to weapons and hunting), areas designated by the Department for hunting are open to the public for hunting and trapping 24-hours per day.

(f) *Snowmobiling.* Subject to § 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes), snowmobiling is permitted 24-hours per day.

(g) *Closings and restrictions.* Notwithstanding other provisions of this chapter, the Department may close a State park, portion of a State park, or State park facility or may restrict it to certain uses or activities.

(h) *Prohibited activities.* Notwithstanding other provisions of this chapter, the Department may prohibit certain uses or activities in a State park, portion of a State park or State park facility.

(i) *Informing the public.* The public will be informed of the closure, restriction or prohibition under subsection (g) or (h) by any form of communication, which may include this chapter or posting, or by fencing, barricade, gate or other structure or device manifestly designed to exclude intruders.

(j) *Prohibitions.*

(1) Entering, using or remaining in a State park, area or facility that is not open to the public or that has been closed under this section is prohibited, unless permitted by the Department.

(2) Using, or engaging in activities in, a State park, area or facility in violation of a restriction or prohibition under subsection (g) or (h) is prohibited, unless permitted by the Department.

§ 11.209. Miscellaneous activities.

(a) The following activities are prohibited without written permission of the Department:

- (1) Engaging in construction or excavation.
- (2) Moving, removing, damaging or defacing a Department sign, structure, facility or equipment.
- (3) Possessing, discharging or causing to be discharged a firecracker, explosive, torpedo, rocket or other pyrotechnical material.
- (4) Using a chain saw.
- (5) Engaging in commercial activity.
- (6) Posting or displaying a sign or printed matter.
- (7) Soliciting funds.
- (8) Removing or disturbing an historical or archeological artifact, relic or object.

(9) Bringing an animal, other than a pet as provided in § 11.212 (relating to pets), and other than a horse as provided in § 11.216 (relating to general recreational activity; horses; snowmobiles; all terrain vehicles; mountain bikes), into a State park.

(b) The following are prohibited:

- (1) Failing to comply with a condition of a permit issued by the Department.
- (2) Possessing, selling or consuming an alcoholic beverage except at specially designated facilities operated or leased by the Department.
- (3) Causing or creating a noise which would likely annoy or disturb a reasonable person of normal sensitivities.
- (4) Obstructing or impeding persons or vehicles, or subjecting persons to unwanted physical contact or unwanted verbal behavior.
- (5) Failing to fully cover with opaque clothing one's genitals, pubic area, buttocks or female breast below the top of the nipple.
- (6) Storing or leaving food in a manner that is reasonably likely to attract wildlife.

§ 11.210. Fires.

The following activities are prohibited without written permission of the Department:

- (1) Starting or maintaining a fire except in a fireplace, grill, stove or other facility designated by the Department for campfires.
- (2) Leaving a fire unattended.
- (3) Disposing hot charcoal except in a facility designated by the Department for charcoal disposal.

§ 11.211. Natural resources.

The following activities are prohibited without written permission of the Department.

- (1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead tree, shrub or plant. However, the following activities are permitted:
 - (i) Gathering edible fruits, nuts, berries and fungi, in reasonable amounts, for one's own personal or family consumption. This permission does not apply to wild plants listed in Chapter 45 (relating to conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.

(ii) Gathering dead and down wood for use within the State park in a fireplace, grill, stove or other facility designated by the Department for campfires.

- (2) Damaging, defacing, cutting or removing rock, shale, sand, clay, soil or other mineral product, natural object or material.
- (3) Planting a seed, tree, shrub or plant.
- (4) Feeding wildlife.
- (5) Releasing an animal that was brought into a State park.

§ 11.212. Pets.

(a) This section does not apply to a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

(b) An owner, keeper or handler of a pet may keep the pet in a State park only in accordance with subsections (c)–(e) and only under the following conditions:

- (1) It is on a leash or is in a cage or crate. If a maximum length of leash is specified by posting, the leash may not exceed the length specified.
- (2) It is attended and under physical control of an individual.
- (3) It does not behave in a manner that may reasonably be expected to disturb or intimidate another person.
- (4) It does not behave in a manner that may cause damage to property or resources.
- (5) Its droppings are disposed of in trash receptacles or outside the park.
- (6) It has been licensed and vaccinated as required by law.
- (c) A pet is not permitted in a designated swimming area.
- (d) A pet is not permitted in an overnight area unless the area is designated by the Department for pets.
- (e) A pet is not permitted in a building.
- (f) Subsection (b)(1)–(5) does not apply to a dog being used by a person engaged in hunting or training as provided in § 11.215 (relating to weapons and hunting).

§ 11.213. Organized events; public assemblies; distribution of printed matter.

(a) *Activities.* Engaging or participating in any of the following activities is prohibited without written permission of the Department:

- (1) An exhibition, competition or organized event.
- (2) A public assembly, meeting, gathering, demonstration, parade or other public expression of views.
- (3) Distribution of printed matter.

(b) *Application.* An application for a permit to engage in an activity listed in subsection (a) shall be delivered to the park manager at least 24 hours before the activity on a form prescribed by the Department and shall include a copy of any printed matter to be distributed.

(c) *Departmental review.* The Department will grant or deny a permit without unreasonable delay. A denial of a permit will specify the grounds for denial.

(d) *Grounds for denial.* Any of the following will justify denial of a permit:

- (1) A prior application for a permit for the same time and place has been made that has been or will be granted

and the activities authorized by that permit do not reasonably allow multiple occupancy of the particular area.

(2) It reasonably appears that the activity will present a clear and present danger to public health or safety.

(3) The activity is of a nature or duration that it cannot be accommodated without causing injury or damage to park resources.

(4) The activity is of a nature or duration that it cannot be accommodated without unreasonably interfering with a protected area's peace and tranquility, the use of the State park by other visitors, program or administrative activities, the operation of public use facilities or the provision of services by State park concessionaires or contractors.

(e) *Conditions.* A permit issued under this section may contain conditions consistent with the considerations in subsection (d).

§ 11.214. Waste.

The following activities are prohibited:

(1) Depositing, dumping or causing to be deposited or dumped, litter, trash, refuse, garbage, bottles, pollutants or any other substance, liquid or waste, including sewage, sink water or bath water, except in receptacles or facilities provided by the Department for this purpose and in accordance with any posted instructions.

(2) Disposing material that was not accumulated during use of a State park.

§ 11.215. Weapons and hunting.

The following activities are prohibited without written permission of the Department:

(1) Hunting, pursuing or intentionally disturbing woodchucks, also known as groundhogs. Paragraph (2) does not apply to this activity.

(2) Hunting, pursuing or intentionally disturbing wildlife unless:

(i) The person engaging in the activity is licensed by the Game Commission to hunt and is engaged in hunting in accordance with the Game and Wildlife Code.

(ii) The activity takes place in an area designated by the Department for hunting. At Presque Isle State Park, waterfowl hunting may take place only from a facility designated by the Department as a waterfowl blind, and shooting shall be directed away from State park land and over the adjacent waters.

(iii) The activity takes place during hunting season as established by the Game Commission.

(iv) The firearm, archery equipment or other device used for this activity is lawful for hunting under the Game and Wildlife Code. A device operated by air, chemical or gas cylinder by which a projectile can be discharged or propelled is not lawful for hunting under the Game and Wildlife Code.

(3) Using a device, including a firearm, archery equipment, or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7).

(4) Possessing an uncased device, or uncasing a device, including a firearm, archery equipment, or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7), or except in the

owner's building on a leased campsite, in the owner's residence, or in the owner's vehicle or trailer.

(5) Failing to keep a device, including a firearm, archery equipment, or slingshot, that is capable of discharging or propelling a projectile, in the owner's building on a leased campsite, in the owner's residence or in the owner's vehicle or trailer. This prohibition does not apply to either of the following:

(i) A person licensed by the Game Commission to hunt, and in possession of a device that is lawful for hunting under the Game and Wildlife Code, during hunting season as established by the Game Commission, in a State park open for hunting.

(ii) A person engaged in target-shooting under paragraph (7).

(6) The trapping of wildlife. This prohibition does not apply to a person licensed by the Game Commission to engage in trapping, during trapping season as established by the Game Commission, in an area designated by the Department for hunting.

(7) Target-shooting with a device, including a firearm, archery equipment or slingshot, capable of discharging or propelling a projectile, except in an area designated by the Department for this purpose and in accordance with posted requirements and restrictions.

(8) Dog training, except from the day following Labor Day through March 31, in an area designated by the Department for hunting.

§ 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.

(a) *General recreational activity.* Outdoor recreational activity is restricted to locations at which physical improvement or posting designates the appropriate purpose and use and to the requirements in subsections (b)—(e).

(b) *Horses.*

(1) Subject to paragraph (4), a horse is permitted only on the right side of a State park road open to motor vehicles or on a trail or area posted for horseback riding.

(2) Hitching or confining a horse in a manner that may cause damage to a tree, shrub, improvement or structure is prohibited.

(3) Droppings from hitched or confined horses shall be disposed of outside the State park.

(4) At Presque Isle State Park, a horse is permitted only with written permission of the Department.

(c) *Snowmobiles.* Use of a snowmobile, as defined in the Vehicle Code, is permitted only as follows:

(1) In accordance with Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

(2) On an area, road or trail posted for snowmobiles, or with written permission of the Department.

(3) During the period beginning the day following the last day of antlerless deer season as established by the Game Commission, through the following April 1, unless otherwise posted. For purposes of this paragraph, "antlerless deer season" means a regular season or an extended season. If more than one antlerless deer season in a calendar year is established by the Game Commission, then "the last day of antlerless deer season" as used in this paragraph means the antlerless deer season that is the latest in the calendar year but that ends prior to December 25.

(d) *All-terrain vehicles.* Use of an all-terrain vehicle, as defined in the Vehicle Code, is permitted only as follows:

- (1) In accordance with Chapter 77 of the Vehicle Code.
- (2) On an area, road or trail posted for all-terrain vehicles, or with written permission of the Department.

(e) *Mountain bikes.* Use of a mountain bike on a trail is permitted only on a trail posted for mountain biking.

§ 11.217. Swimming.

The following are prohibited:

- (1) Swimming outside a designated swimming area.
- (2) Swimming at other than posted hours.
- (3) Use of underwater breathing apparatus or a snorkel. However, with permission of the Department, this equipment may be used by an emergency or rescue unit conducting a rescue operation or training or by a diver certified by an organization approved by the Department.
- (4) Possessing or using a glass or breakable container or utensil in a designated swimming area.
- (5) Wearing the following:
 - (i) In a designated swimming area that is a swimming pool, cut-off pants, clothing that may damage the filtration system or pool surface or clothing that may otherwise cause damage or endanger the facility or a visitor.
 - (ii) In a designated swimming area that is a swimming pool, clothing that is not leak-proof, on an infant or on a child who is not toilet-trained.
 - (iii) In a designated swimming area, clothing that displays lifeguard lettering or insignia.
- (6) The presence of a child under 10 years of age in a designated swimming area unless accompanied and supervised competently and effectively by a person at least 14 years of age. There may be no more than five children under the supervision of one person.
- (7) Diving as follows in a designated swimming area:
 - (i) Running-entry diving.
 - (ii) Diving from the shoulders of another person.
 - (iii) Head-first diving from poolside where the water depth is 5 feet or less.
- (8) Engaging in the following activities in a designated swimming area unless permitted by posting or by an on-duty lifeguard:
 - (i) Using or possessing a buoyant device. However, personal flotation devices approved by the United States Coast Guard may be worn.
 - (ii) Engaging in sports activities, including water polo, volleyball, disc throwing and catch.

§ 11.218. Camping; overnight facilities.

(a) *Camping.* Placing a tent, shelter, lean-to, sleeping bag, bedding material or mobile camping unit in an area without a valid camping permit for use of that area is prohibited.

(b) *Overnight facilities.* Placing personal property in, or otherwise using, a cabin, yurt, walled tent, camping cottage or other overnight facility without possession of a valid permit for use of that facility is prohibited.

§ 11.219. Boating.

(a) *Applicability.* This section applies to the use of watercraft, as defined by section 102 of the Fish and Boat Code (relating to definitions), other than whitewater boating.

(b) *General.* The following activities are prohibited without written permission of the Department:

- (1) Operating watercraft on a body of water not posted as being open for boating.
- (2) Operating, using or anchoring watercraft within 100 feet of either a designated swimming area or an area marked by buoys.
- (3) Operating or using watercraft in an impoundment, except where the impoundment is designated for boating.
- (4) Operating, towing or using any of the following:
 - (i) Watercraft propelled by air propellers.
 - (ii) Seaplanes. However, seaplanes may be taxied at a slow minimum-height-swell speed in the waters of Presque Isle State Park for the purpose of access to and egress from the park.
 - (iii) Water skis, as defined by the Fish and Boat Commission in 58 Pa. Code Chapter 109 (relating to specialty boats and water skiing activities). This prohibition does not apply to the use of conventional water skis in lakes where motorboats with unlimited horsepower are permitted.
 - (iv) Unseaworthy watercraft.
 - (v) Novelty-type watercraft.
 - (vi) An inflatable device except one which is at least 7 feet long, made of durable, reinforced fabric and has at least two separate buoyancy chambers exclusive of an inflatable floor or bottom.
 - (vii) Equipment or devices not constructed or sold primarily for transportation on water.
 - (viii) Body boards or surfboards, except where permitted by posting at Presque Isle State Park.

(c) *Motorboats.* This subsection does not apply to boats used for purposes of State park administration, law enforcement, search and rescue, safety patrol or concessionaire excursions. The following activities are prohibited without written permission of the Department:

- (1) Operating a boat powered by one or more internal combustion engines totaling more than the posted maximum horsepower.
- (2) Operating a boat powered by an internal combustion engine in waters that are posted as being restricted to electric motor use.
- (3) Operating personal watercraft, regardless of horsepower, unless the body of water is posted as being open to motorboats without a limit on horsepower.
- (d) *Endangerment.* Operating or using watercraft in a manner that endangers a person or property is prohibited.

(e) *Mooring, anchoring and storing.* The following activities are prohibited:

- (1) Mooring watercraft at any location without possession of a valid watercraft mooring permit issued by the Department for that location. This prohibition does not apply as provided in subparagraph (ii).
 - (i) A decal issued by the Department evidencing issuance of the permit shall be affixed aft of amidship on the starboard (right) side of the watercraft.
 - (ii) At Point State Park, watercraft may be moored along the river wall temporarily during the day. Watercraft may be moored along the river wall overnight only with permission of the Department.

(2) Leaving watercraft in an area designated by the Department for storage without possession of a valid storage permit issued by the Department.

(3) Leaving unoccupied watercraft anywhere in a State park between sunset and 8 a.m., except in accordance with paragraph (1) or (2).

(f) *Launching.* The following activities are prohibited:

(1) Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department.

(2) Except as provided in paragraph (3), launching watercraft without one of the following:

(i) A valid watercraft launching or mooring permit issued by the Department. If a decal evidencing the issuance of a permit has been provided by the Department, the decal shall be affixed to the watercraft aft of amidship on the starboard (right) side. If another form of evidence of the issuance of a permit has been provided by the Department in lieu of a decal, this evidence shall be carried on the watercraft.

(ii) A valid registration number and validation decal, or a valid use permit, issued and displayed in accordance with 58 Pa. Code Part II (relating to Fish and Boat Commission).

(3) Paragraph (2) does not apply as follows:

(i) *Presque Isle State Park.* To an operator of watercraft at Presque Isle State Park, unless registration or a use permit is required under 58 Pa. Code Part II. If registration or a use permit is required under 58 Pa. Code Part II, launching watercraft without complying with the regulations is prohibited.

(ii) *Pymatuning State Park.* To an operator of watercraft at Pymatuning State Park if a valid launching permit has been issued for the watercraft by the State of Ohio.

§ 11.220. Whitewater boating.

(a) *General requirements.* A person engaging in whitewater boating at Ohiopyle State Park, Lehigh Gorge State Park or McConnells Mill State Park shall comply with the following requirements:

(1) Wear an appropriate-sized United States Coast Guard-approved personal flotation device, Type I, III or V. However, participants in whitewater events approved by the Department and the Fish and Boat Commission may, with written approval of the Department and the Fish and Boat Commission, wear a lifedek personal flotation device that provides a minimum buoyancy of 6 kilograms (13.5 pounds).

(2) Use one of the following types of watercraft in addition to complying with specific watercraft requirements in subsections (c)—(e):

(i) Noninflatable watercraft that is designed by the manufacturer for whitewater use. Noninflatable canoes and noninflatable kayaks shall have sufficient flotation to ensure that they will float when they are completely full of water.

(ii) Inflatable watercraft that has multiple air chambers of a tough durable construction intended for whitewater use, consists of a tough laminated material and is of commercial grade.

(iii) Other nonmotorized watercraft approved by the Department.

(b) *General prohibitions.* A person engaging in whitewater boating at Ohiopyle State Park, Lehigh Gorge State Park or McConnells Mill State Park is prohibited from the following:

(1) Using motorized watercraft.

(2) Using watercraft in a manner that endangers a person or property.

(3) Using watercraft before sunrise or after sunset without written permission of the Department.

(4) Using a nonwatercraft device, such as an inner tube or body board, without written permission of the Department.

(5) Possessing or using a glass container.

(c) *Ohiopyle State Park.* The following rules apply on the Youghiogheny River at Ohiopyle State Park. River levels are measured at the State park's river gauge at the Lower Youghiogheny River launch area.

(1) *Lower Youghiogheny River.* The Lower Youghiogheny River is the section of the Youghiogheny River between the base of Ohiopyle Falls and the northern-most point of the river that lies within the State park. Persons engaging in whitewater boating on the Lower Youghiogheny River shall comply with the following requirements:

(i) *Guided tour or permit.* They shall either be part of a guided tour provided by a State park-licensed concession or have a valid whitewater launch permit issued by the Department. Permits may not be transferred, assigned, altered or used to subvert their original intent. During periods when a launch area is not staffed, boaters shall sign the sign-on sheet at the contact station in lieu of obtaining a permit.

(ii) *Launch and take-out.* Except as provided in clauses (A) and (B), launch of watercraft shall occur only at launch areas designated by the Department and take-out shall occur only at take-out areas designated by the Department.

(A) Watercraft may be launched on tributaries entering the Youghiogheny River downstream from Ohiopyle Falls, with permission of the Department.

(B) Watercraft may be launched at Bruner's Run take-out area for the purpose of boating downstream from Bruner's Run take-out area.

(iii) *Watercraft requirements.* Except as provided in subparagraph (iv), the following requirements apply to watercraft used on the Lower Youghiogheny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(B) At river levels 3 feet and above but less than 4 feet, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches.

(C) At river levels 4 feet and above, watercraft shall be other than commercially-rented watercraft, and inflatable watercraft shall be at least 15 feet long and have an outside tube diameter of at least 18 inches.

(iv) *Exceptions to watercraft requirements.*

(A) State park-licensed concession watercraft is not subject to subparagraph (iii), but is subject to the terms of the license agreement.

(B) Watercraft, other than commercially-rented watercraft, that is approved by the Department as being high-performance watercraft is not subject to subparagraph (iii) unless posting states otherwise.

(2) *Middle Youghiogheny River.* The Middle Youghiogheny River is the section of the Youghiogheny River between the Ramcat launch area and the Middle Youghiogheny take-out area upstream of the bike trail bridge in Ohiopyle Borough. Persons engaging in whitewater boating on the Middle Youghiogheny River shall comply with the following requirements.

(i) *Launch and take-out.* Launch of watercraft shall occur only at launch areas designated by the Department, and take-out shall occur only at take-out areas designated by the Department.

(ii) *Watercraft requirements.* Except as provided in subparagraph (iii), the following requirements apply to watercraft used on the Middle Youghiogheny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches.

(B) At river levels 3 feet and above, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches.

(iii) *Exceptions to watercraft requirements.*

(A) Inflatable canoes and inflatable kayaks are not subject to subparagraph (ii).

(B) State park-licensed concession watercraft is not subject to subparagraph (ii), but is subject to the terms of the license agreement.

(C) Watercraft, other than commercially-rented watercraft, that is approved by the Department as being high-performance watercraft is not subject to subparagraph (ii) unless posting states otherwise.

(3) *Waterfall running.* Waterfall running is prohibited without written permission of the Department.

(d) *Lehigh Gorge State Park.* The following rules apply on the Lehigh River at Lehigh Gorge State Park. Flow rates are measured at the State park river gauges at the launch area designated by the Department at White Haven and the launch and take-out areas designated by the Department at Rockport and Glen Onoko.

(1) At flow rates less than 250 cubic feet per second, inflatable watercraft shall be at least 7 feet long and have at least two separate air chambers.

(2) At flow rates from 250 cubic feet per second through 1,000 cubic feet per second, inflatable watercraft shall be at least 8 feet long, contain at least three separate air chambers, and have an outside tube diameter of at least 13 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(3) At flow rates above 1,000 cubic feet per second through 5,000 cubic feet per second, inflatable watercraft shall be at least 11 feet long, contain at least 3 separate air chambers, and have an outside tube diameter of at least 15 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(4) At flow rates above 5,000 cubic feet per second, inflatable watercraft shall be at least 12-1/2 feet long, contain at least 3 separate air chambers and have an outside tube diameter of at least 17 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(5) Launch of watercraft shall occur only at launch areas designated by the Department and take-out shall occur only at take-out areas designated by the Department, except with written permission of the Department.

(6) Operation of commercial watercraft is prohibited on the Lehigh River between the Francis E. Walter Dam and the White Haven launch area.

(7) Operation of commercial watercraft is prohibited on the Lehigh River between the White Haven launch area and the Rockport launch and take-out area during the opening weekend of annual trout season, as established by the Fish and Boat Commission, and the following weekend.

(e) *McConnells Mill State Park.* Inflatable watercraft used on Slippery Rock Creek at McConnells Mill State Park shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

§ 11.221. Special provisions for Point State Park.

The following provisions apply to Point State Park:

(1) *Memorials.* Memorials may be erected with written permission of the Department to honor those persons and events which symbolize the spirit of the American pioneer and the significance of frontier forts prior to the year 1800.

(2) *Portal Arch Bridge.* Congregating or loitering on the Portal Arch Bridge is prohibited.

(3) *Decorative pools.* Swimming, wading or fishing in the reflecting pool or the fountain pool is prohibited.

(4) *Recreational equipment.* Use of roller skates, skateboards, scooters, bicycles or other wheeled recreational equipment is prohibited, except where posted as being permitted or except with written permission of the Department.

§ 11.222. Special provisions for Presque Isle State Park.

The following provisions apply to Presque Isle State Park:

(1) *Visiting after closing.* A person who desires to enter the park during a period when the park is closed shall stop at the park ranger office and state his name, address, destination, reason for entering and planned time of departure. Permission to enter the park may be granted if the Department determines that good cause exists for entering the park. This provision does not apply to a park resident or tenant.

(2) *Transfer of night parking permit.* Lending or transferring a night parking permit is prohibited and will result in cancellation of the permit.

(3) *Seining for bait.* Seining for bait in designated swimming areas is prohibited.

§ 11.223. Violation of rules regarding conduct in State parks.

Engaging in activity prohibited under the following sections constitutes a summary offense under section 7506 of the Crimes Code (relating to violation of rules regarding conduct on Commonwealth property):

(1) Section 11.208 (relating to schedule; closure).

(2) Section 11.209 (relating to miscellaneous activities).

(3) Section 11.210 (relating to fires).

(4) Section 11.211 (relating to natural resources).

- (5) Section 11.212 (relating to pets).
- (6) Section 11.213 (relating to organized events; public assemblies; distribution of printed matter).
- (7) Section 11.214 (relating to waste).
- (8) Section 11.215 (relating to weapons and hunting).
- (9) Section 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes).
- (10) Section 11.217 (relating to swimming).
- (11) Section 11.218 (relating to camping; overnight facilities).
- (12) Section 11.219 (relating to boating).
- (13) Section 11.220 (relating to whitewater boating).
- (14) Section 11.221 (relating to special provisions for Point State Park).
- (15) Section 11.222 (relating to special provisions for Presque Isle State Park).

§ 11.224. Prices.

(a) *Schedule of prices.* The Department will establish, by publication in the *Pennsylvania Bulletin*, a schedule of prices for activities, uses and privileges.

(b) *Reduction or waiver of prices.* The Department may reduce or waive prices established under subsection (a) as follows:

(1) For persons who provide a service deemed by the Department to be valuable to the public, the Department or the Commonwealth.

(2) In specific situations in which the Department determines that good customer service or a marketing or promotional benefit to the Department warrants a reduction or waiver.

(c) *Prices for goods and services.* The Department will set reasonable prices for the sale of goods and services to the public.

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