

PENNSYLVANIA BULLETIN

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Pages 3469—3622

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the Department of Health's regulations
concerning Reporting of AIDS, HIV Test
Results, CD4 T-Lymphocyte Counts and
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**Latest Pennsylvania Code Reporter
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No. 332, July 2002

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2002 GENERAL ACTS ENACTED—ACT 056 through 066					
056	Jun 19	SB0391	PN2068	immediately*	Interstate Compact for the Supervision of Adult Offenders Act—enactment
057	Jun 19	SB1089	PN2082	immediately*	Judicial Code (42 Pa.C.S.)—DNA data and testing and apportionment of liability and damages
058	Jun 19	SB1017	PN1867	60 days	Volunteer Health Services Act—volunteer license, volunteer status, regulations, exemptions, active practitioners indemnity and defense and optional liability coverage
059	Jun 19	HB0096	PN3930	60 days	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—health care advance directives, emergency medical services and out-of-hospital nonresuscitation
060	Jun 19	HB0481	PN3946	Jan. 1, 2003	Workers' Compensation Act—rescue volunteers workers' compensation premiums
061	Jun 19	HB1237	PN3774	60 days	Propane and Liquefied Petroleum Gas Act—enactment
062	Jun 19	HB1546	PN3866	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—statute of limitations for identity theft civil cause of action and identity theft damages in actions
063	Jun 19	HB1356	PN3928	immediately*	Military and Veterans Code (51 Pa.C.S.)—Pennsylvania Veterans' Memorial Trust Fund
064	Jun 19	HB1360	PN4010	immediately	Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act—ad hoc postretirement adjustments and reimbursement adjustment administration
065	Jun 19	HB1363	PN3981	immediately	Third Class City Code, The—payments under existing pension plans and police and firefighter pension service increments
066	Jun 19	HB2312	PN3676	immediately	General Anthony Clement McAuliffe 101st Airborne Memorial Highway—designation
2002 APPROPRIATION ACTS ENACTED—ACT 006A					
006A	Jun 17	HB2527	PN3834	July 1, 2002	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
2002 GENERAL ACTS ENACTED—ACT 074 through 106					
074	Jun 28	SB1429	PN1978	immediately	Tax Stabilization Reserve Fund—transfer of portion of revenue surplus
075	Jun 28	SB0986	PN1197	immediately	Second Class County Code—county officers annual association meeting expenses and other county meeting expenses
076	Jun 28	SB1324	PN2038	60 days	Interstate Adoption Compact Act—enactment
077	Jun 28	HB2005	PN4013	immediately*	County Code, The—county employees private services and compensation of solicitors appointed by county officers
078	Jun 28	HB1272	PN1475	60 days	Barbers' License Law—licensure applications and student
079	Jun 28	HB2125	PN4057	60 days	Game and Wildlife Code (34 Pa.C.S.)—omnibus amendments
080	Jun 28	SB0592	PN1438	immediately	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—dispositions of decedent's property independent of granting letters
081	Jun 28	SB1417	PN1935	immediately	Insurance Company Law of 1921, The—mastectomy and breast cancer reconstruction coverage
082	Jun 28	SB1109	PN2105	60 days	Crimes Code (18 Pa.C.S.)—omnibus amendments
083	Jun 28	SB0955	PN2102	60 days	College and University Student Vaccination Act—enactment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
084	Jun 28	SB0820	PN1798	60 days	Crimes Code (18 Pa.C.S.)—crime victims employment protection, victim's and witness's family members and contraband prohibition
085	Jun 28	SB0380	PN2060	60 days	Crime Victims Act—omnibus amendments
086	Jun 28	SB0212	PN2153	60 days	Judicial Code (42 Pa.C.S.)—childhood sexual abuse cases seal and tolling civil statute of limitations and criminal statute of limitations for sexual offenses
087	Jun 28	SB0033	PN2133	immediately	Taxpayers' Bill of Rights—innocent spouse relief
088	Jun 29	HB004	PN4196	immediately*	Public School Code of 1949—omnibus amendments
089	Jun 29	HB1848	PN4197	July 1, 2002*	Tax Reform Code of 1971—omnibus amendments
090	Jun 29	HB2044	PN4198	immediately*	Environmental Resources (27 Pa.C.S.)—omnibus amendments
091	Jun 29	SB1366	PN2173	immediately*	Fiscal Code, The—omnibus amendments
092	Jun 29	SB0766	PN2072	60 days	First Class Township Code, The—reimbursement
093	Jun 29	SB1485	PN2137	immediately	Gino J. Merli Veterans Center—redesignation
094	Jun 29	SB1368	PN2112	60 days	Conveyance—Commonwealth property in Luzerne County
095	Jun 29	SB1364	PN2111	60 days	Conveyance—Commonwealth property in Westmoreland
096	Jun 29	HB2126	PN4129	immediately	Optional Occupation Tax Elimination Act—earned income tax limits and occupation tax prohibition
097	Jun 29	HB1670	PN4016	immediately	Danville-Riverside Bridge—designation
098	Jun 29	HB2020	PN4089	immediately	Cosmetology Law—omnibus amendments
099	Jun 29	HB0497	PN4032	90 days	Professional Nursing Law, The—regulating practice and licensure of dietetics and nutrition
100	Jun 29	HB2100	PN4128	180 days	Right-to-Know Law—omnibus amendments
101	Jun 29	HB1482	PN4133	immediately	Fish and Boat Code (30 Pa.C.S.)—Lake Erie fishing permits disposition of proceeds
102	Jun 29	HB0751	PN4066	60 days	Pharmacy Act—drug therapy protocol
103	Jun 29	HB1458	PN2677	immediately*	County Code, The—omnibus amendments
104	Jun 29	SB1187	PN2108	immediately	Conveyance—Commonwealth property in Philadelphia County
105	Jul 4	SB1225	PN2149	60 days	Vehicle Code (75 Pa.C.S.)—electric personal assistive mobility devices and inspection station certificates of appointment
106	Jul 4	SB0984	PN2099	immediately	Conveyance—Commonwealth property in Franklin County and removal of restrictions in Huntingdon County
2002 APPROPRIATION ACTS ENACTED—ACT 007A through 041A					
007	Jun 29	SB0005	PN2172	immediately*	General Appropriation Act of 2002—enactment
008	Jun 29	HB2519	PN3597	July 1, 2002	African-American Museum—operation, maintenance and purchases
009	Jun 29	HB2520	PN3598	July 1, 2002	Everhart Museum—operation, maintenance and purchases
010	Jun 29	HB2521	PN3599	July 1, 2002	Mercer Museum—operation, maintenance and purchases
011	Jun 29	HB2522	PN3600	July 1, 2002	Whitaker Center for Science and the Arts Arts—operation, maintenance and purchases
012	Jun 29	HB2530	PN4047	July 1, 2002	Pennsylvania Public Utility Commission—operation
013	Jun 29	HB2499	PN4192	July 1, 2002	Pennsylvania College of Optometry—instruction
014	Jun 29	HB2507	PN3585	July 1, 2002	Central Penn Oncology Group—operation
015	Jun 29	HB2508	PN3586	July 1, 2002	St. Francis Hospital—cardiovascular studies
016	Jun 29	HB2509	PN3587	July 1, 2002	Lancaster Cleft Palate—outpatient-inpatient treatment
017	Jun 29	HB2510	PN3588	July 1, 2002	Pittsburgh Cleft Palate—outpatient-inpatient treatment
018	Jun 29	HB2511	PN3589	July 1, 2002	Burn Foundation—outpatient and inpatient treatment
019	Jun 29	HB2512	PN4194	July 1, 2002	Children's Institute, The—treatment and rehabilitation of young persons with disabling diseases

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
020	Jun 29	HB2513	PN3591	July 1, 2002	Children's Hospital of Philadelphia, The—comprehensive patient care for children and hospital maintenance and operation
021	Jun 29	HB2514	PN3592	July 1, 2002	Beacon Lodge Camp—services to the blind
022	Jun 29	HB2515	PN3593	July 1, 2002	Arsenal Family and Children's Center—operation
023	Jun 29	HB2516	PN3594	July 1, 2002	Carnegie Museums of Pittsburgh—Carnegie Museum of Natural History maintenance and purchases and Carnegie Science Center planetarium and center operation
024	Jun 29	HB2517	PN3595	July 1, 2002	Franklin Institute Science Museum—maintenance
025	Jun 29	HB2518	PN3596	July 1, 2002	Academy of Natural Sciences—maintenance
026	Jun 29	HB2497	PN4190	July 1, 2002	Thomas Jefferson University—instruction, maintenance, student aid, College of Allied Health Sciences, Children's Heart Hospital and Tay-Sachs disease program
027	Jun 29	HB2498	PN4191	July 1, 2002	Philadelphia College of Osteopathic Medicine—instruction
028	Jun 29	HB2501	PN3579	July 1, 2002	University of the Arts—instruction and student aid
029	Jun 29	HB2502	PN4193	July 1, 2002	Berean Training and Industrial School—operation and
030	Jun 29	HB2503	PN3581	July 1, 2002	Johnson Technical Institute—operation and maintenance
031	Jun 29	HB2504	PN3582	July 1, 2002	Williamson Free School of Mechanical Trades—operation and maintenance
032	Jun 29	HB2505	PN3583	July 1, 2002	Fox Chase Institute for Cancer Research—cancer research program operation and maintenance
033	Jun 29	HB2506	PN3584	July 1, 2002	Wistar Institute—operation, maintenance and AIDS research
034	Jun 29	HB2492	PN4186	July 1, 2002	Temple University—operation, instruction and research, etc.
035	Jun 29	HB2493	PN4187	July 1, 2002	Lincoln University—operation and instruction, etc.
036	Jun 29	HB2494	PN3573	July 1, 2002	Drexel University—instruction and student aid
037	Jun 29	HB2495	PN4188	July 1, 2002	University of Pennsylvania—dental clinic operation, doctor of medicine instruction, veterinary activities and cardiovascular studies
038	Jun 29	HB2496	PN4189	July 1, 2002	Philadelphia Health and Education Corporation—colleges of medicine, public health, nursing and health professions instruction, operation, maintenance, graduate schools and student aid, etc.
039	Jun 29	HB2490	PN4011	July 1, 2002	Pennsylvania State University—operation, instruction, medical education, children's hospital, agricultural research and extension services, etc.
040	Jun 29	HB2491	PN4185	July 1, 2002	University of Pittsburgh—operation, maintenance, education, doctor of medicine instruction, dental and psychiatric clinics and research, etc.
041	Jun 29	SB0630	PN2127	July 1, 2002	Bureau of Professional and Occupational Affairs—operation

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 02-1244. Filed for public inspection July 19, 2002, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 61

The Domestic Relations Procedural Rules Committee proposes the following amendments to Rules of Civil Procedure 1910.16-1, 1910.16-5 and 1910.16-6. The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania.

Written comments relating to the proposed rules must be received no later than Friday, September 6, 2002. Please direct comments to:

Patricia A. Miles, Esquire
 Counsel, Domestic Relations Procedural Rules Committee
 5035 Ritter Road, Suite 700
 Mechanicsburg, Pennsylvania 17055
 Fax (717) 795-2116
 E-mail patricia.miles@supreme.court.state.pa.us

The notes and explanatory comments which appear with the proposed amendments have been inserted by the Committee for the convenience of those using the rules. They will not constitute part of the rules and will not officially be adopted or promulgated by the Supreme Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(1) Except as set forth in subdivision (2) below, [The] the support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported.

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon the defendant's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. The public or private entity may seek support in separate proceedings against each parent as a separate obligor. In such cases, the parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent. In light of the cost of institutional or foster care placement, it is unlikely that the combined amount both parents are required to pay will equal the cost of such placement. However, in the event that the combined amount the parents are required to pay exceeds the cost of placement, the court should

deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

Explanatory Comment—2002

New subdivision (2) is intended to clarify in particular the calculation of child support when a child is in a foster care or institutional placement and not in the custody of either parent.

* * * * *

Rule 1910.16-5. Support Guidelines. Deviation.

* * * * *

(c) In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

* * * * *

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. [and] The court may direct that obligor's share be added to his or her basic support obligation, or paid directly to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person [which are recurring and can be reasonably predicted by the court at the time of establishment or modification of the support order]. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric or psychological services unless specifically directed in the order of court.

[(2) If there are annual medical expenses in excess of \$250 per person which are unpredictable or non-recurring, the court may order that such expenses, if incurred, be allocated in proportion to the parties' net incomes. The court may direct obligor to pay his or her share either to the obligee or directly to the health care provider.

(3)] (2) * * *

[(4)] (3) * * *

[Official Note: If the trier of fact determines that the obligee acted reasonably in obtaining services

which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.]

[Pa.B. Doc. No. 02-1245. Filed for public inspection July 19, 2002, 9:00 a.m.]

Title 25—LOCAL COURT RULES CUMBERLAND COUNTY

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

Order of Court

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

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or

the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court:

GEORGE E. HOFFER,
President Judge

Rule 1910.10 Hearing Procedure

The Court of Common Pleas of Cumberland County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

Rule 1910.12 Conduct of Hearing: Exceptions

(a) Hearings shall be conducted by the Support Master.

(b) The Support Master shall engage the services of a stenographer; however, the notes of testimony shall not be transcribed unless:

(1) required by the Support Master to prepare the report and recommendation to the Court, or

(2) ordered by the Court following the filing of exceptions.

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

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

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

[Pa.B. Doc. No. 02-1246. Filed for public inspection July 19, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 6]

Drugs Which May be Used by Certain Optometrists

The Department of Health (Department) adopts amendments to § 6.1 (relating to approved drugs).

A. Purpose of the Amendment

Under section 2 of the Optometric Practice and Licensure Act (act) (63 P.S. § 244.2), optometrists may use pharmaceutical agents for diagnostic purposes, and for certain therapeutic purposes, only as approved by the Secretary. The pharmaceutical agents, and the purposes for which they may be used by optometrists, are set forth in § 6.1. The drugs included on the list must be approved by the Secretary. The State Board of Optometry (Board) requested that the Secretary approve certain additional therapeutic drugs. In its request to the Secretary, the Board identified the drugs by brand name and generic name, which are shown with the generic name in parentheses. Currently, the regulations identify drugs only by the generic name. The added drugs will also be listed by the generic name only. The Secretary approved a request from the Board to add antibacterial agent Quixin (levofloxacin); oral analgesic Ultram (tramadol); and topical analgesics Alamast (pemirolast potassium), Emadine (emedastine difumarate), Optivar (azelastine hydrochloride) and Zaditor (ketotifen fumerate) to the list of approved drugs. Antibacterial agents destroy bacteria. Analgesic drugs are used as pain relievers.

The Board also requested that certain oral antibiotics, Cipro (ciprofloxacin), Lenezolid (zyvox) and Levaquin (levofloxacin), be added to the list. The Secretary did not approve the request to add these agents. As broad-spectrum oral antibiotics, ciprofloxacin, zyvox and levofloxacin should be limited to treating resistant or serious infections only. Further, the Federal Food and Drug Administration (FDA) has expressed concerns about inappropriate use of antibiotics leading to increase in resistant organisms. The FDA has recommended that alternatives should be considered before initiating treatment with these antibiotics in the outpatient setting.

Using broad-spectrum antibiotics also creates a higher risk of certain side effects, such as the development of pseudomembranous colitis and superinfections. Also, due to the pharmacological profile of these antibiotics, it is advisable that periodic assessment of organ system functions, including renal, hepatic and hematopoietic functions, be done during prolonged therapy.

For these reasons, the antibiotics rejected for inclusion in the list of drugs that optometrists may use in their practice should only be prescribed by a licensed health professional with extended pharmacological, diagnostic and treatment education.

B. Summary

The Department has not changed the proposed rulemaking. Section 6.1 is amended by adding the following drugs to the approved drugs listed in subsection (b):

1. Levofloxacin.
2. Tramadol.
3. Pemirolast potassium.
4. Emedastine difumarate.
5. Azelastine hydrochloride.
6. Ketotifen fumerate.

The Department received two comments, one from the Pennsylvania College of Optometry and one from the Pennsylvania Optometric Association (POA). Both comments supported the proposed rulemaking. The POA requested copies of the final-form regulation and comment and response documents.

C. Affected Persons

Optometrists will be able to use, administer and prescribe additional drugs and their patients will be able to receive them for therapeutic purposes. The patients will benefit in that they will have a wider range of agents available to them, thus potentially enhancing their care and treatment.

D. Fiscal Impact

This final-form rulemaking has no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public. The final-form rulemaking merely enhances the availability of therapeutic agents to patients of certain optometrists.

E. Paperwork Requirements

The addition of these drugs to the list of approved drugs under the act will not result in additional costs or paperwork.

F. Effective Date/Sunset Date

The amendment will become effective immediately upon publication as final-form rulemaking. The final-form regulation will continually be monitored and updated as needed. There is no sunset date.

G. Statutory Authority

The amendment to the list of drugs which certain optometrists may use in the course of their practice is made under section 2 of the act, which defines the "practice of optometry" to include the administration and prescription of legend and nonlegend drugs as approved by the Secretary for treatment. Treatment may include the prescription or administration of drugs for therapeutic purposes. The amendment is also authorized under section 2102 of The Administrative Code of 1929 (71 P.S. § 532(g)), which provides the Department with general authority to adopt its regulations.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 30, 2002, the Department submitted a copy of the notice of proposed rulemaking published at 32 Pa.B. 796 (February 9, 2002) to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In compliance with section 5.1(a)

of the Regulatory Review Act (71 P. S. § 745a(a)), the Department submitted a copy of the final-form regulation to IRRC and the Committees on May 14, 2002. In addition, the Department provided IRRC and the Committees with a copy of the 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.

This final-form regulation was deemed approved by the House Health and Human Services Committee and the Senate Public Health Welfare Committee on June 3, 2002. The amendment was deemed approved by IRRC under section 5(g) of the Regulatory Review Act effective June 4, 2002. The Office of Attorney General approved the final-form regulation on June 17, 2002.

I. Contact Person

Questions regarding this final-form may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with a disability may submit questions regarding the regulations by using V/TT (717) 783-6514 for speech or hearing, or both, impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons who require an alternative format of this document should contact John Hair so that necessary arrangements may be made.

J. Findings

The Department finds that:

- (1) Public notice of intention to amend the regulation adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law.
- (3) The adoption of the final-form regulation is necessary and appropriate.

K. Order

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

- (a) The regulations of the Department, 28 Pa. Code Chapter 6, are amended by amending § 6.1 to read as set forth at 32 Pa.B. 796.
- (b) The Secretary of Health shall submit this order and 32 Pa.B. 769 to the Office of General Counsel and the Office of Attorney General for approval as required by law.
- (c) The Secretary of Health shall submit this order, 32 Pa.B. 769 and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.
- (d) The Secretary of Health shall certify this order and 32 Pa.B. 769 and deposit them with the Legislative Reference Bureau as required by law.
- (e) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 32 Pa.B. 3183 (June 29, 2002).)

Fiscal Note: Fiscal Note 10-167 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 02-1247. Filed for public inspection July 19, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

General Revisions

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) adopts amendments to §§ 19.2, 19.4, 19.11, 19.12, 19.15—19.18 and 19.21—19.23 to read as set forth in Annex A.

Statutory Authority

The final-form regulations are authorized under section 4 of the Board of Vehicles Act (act) (63 P. S. § 818.4).

Background and Purpose

Notice of proposed rulemaking was published at 31 Pa.B. 2691 (May 26, 2001). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. On July 16, 2001, the House Professional Licensure Committee (HPLC) and on July 26, 2001, the Independent Regulatory Review Commission (IRRC) sent comments and suggestions to the Board. The major underlying purpose of the amendments is to make the Board's regulations consistent with changes made to the act by the act of April 19, 1996 (P. L. 104, No. 27) (Act 27).

Summary of Comments and Responses to Proposed Rulemaking

The HPLC made the following comments and suggestions: (1) noted that the proposed draft for the renumbering of the paragraphs of § 19.22 (relating to investigation) resulted in having two paragraphs numbered "1" for the first paragraph; (2) questioned why a subsection (a) was necessary for § 19.23 (relating to vehicle shows, off-premise sales and exhibitions); (3) recommended that sections that were to be wholly deleted be marked as "Reserved"; and (4) recommended that the Board add the phrase "in addition to those acts enumerated in the Board of Vehicles Act" to § 19.22 to put licensees on notice that there are prohibited acts enumerated in the act in addition to those set forth in the regulation.

The Board agrees with all the proffered suggestions and changed § 19.22 to avoid having two paragraphs numbered "1"; omitted the subsection designation in § 19.23; marked deleted sections as reserved; and added the suggested phrase to § 19.22.

IRRC made the following comments and suggestions: (1) suggested the Board add a reference to section 2 of the act (63 P. S. § 818.2) to § 19.2 (relating to definitions); (2) suggested that the definition of the term "Department"

should be deleted from the definitions because it is not found in the regulation; (3) suggested adding language and a reference to the regulation relating the term "interest in vehicles" to the statutory definition of "dealer"; (4) suggested the Board use the term "salesperson" rather than "vehicle salesperson" and "vehicle" rather than "motor vehicle" for consistency with Act 27; (5) suggested that the phrase "unless the Act provides otherwise" in § 19.18(a)(3)(i) (relating to established place of business for dealers) should specifically reference the provision of the act which supercedes the regulation or the regulation should include the provision of the act; and (6) agreed with the HPLC that the Board should reference the statutory provisions in the act to give a licensee more complete notice of all prohibited actions.

In response to IRRC's suggestions, the Board added a reference to section 2 of the act in § 19.2; clarified the relationship between the definition of "dealer" in the act and the term "interest in vehicles" in the regulation; deleted the definition of "Department" as it is not used in the regulations; made alterations to consistently use the term "vehicle" rather than "motor vehicle," the term "salesperson" rather than "vehicle salesperson," as well as the term "dealer" rather than "vehicle dealer" and specified which provision of the act was referenced by § 19.18(a)(3)(i). In addition, the Board changed references to "factory" and "distributor" rather than the term "manufacturer" to be consistent with the statute.

Fiscal Impact and Paperwork Requirements

The final-form amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Compliance with Executive Order 1996-1

The Board sent the proposed amendments to dealer and vehicle auction organizations as required under Executive Order 1996-1, "Regulatory Review and Promulgation." In addition, the Board considered the impact the final-form amendments would have on the regulated community and on public safety and welfare. The Board finds that final-form amendments address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 14, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2691, to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the HPLC for review and comment.

Publication of the notice of proposed rulemaking was followed by a 30-day public comment period during which the Board received no written comments from the public. In preparing the final-form rulemaking, the Board has considered the comments received from IRRC and the HPLC. The SCP/PLC did not submit comments.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on June 11, 2002, this final-form rulemaking was deemed approved by the HSCP/PLC and HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 13, 2002, and approved the final-form rulemaking.

Additional Information

Further information may be obtained by contacting Teresa Woodall, Administrative Assistant, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649 or from the Department of State website, www.state.pa.us.

Findings

The Board finds that:

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

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

(3) The amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2691.

(4) The amendments are necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 19, are amended by amending §§ 19.2, 19.4, 19.11, 19.12, 19.17, 19.18, 19.22 and 19.23; and by deleting §§ 19.15, 19.16 and 19.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

EDWARD J. CERNIC, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 3183 (June 29, 2002).)

Fiscal Note: Fiscal Note 16A-602 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

GENERAL PROVISIONS

§ 19.2. Definitions.

In addition to the terms defined in section 2 of the act (63 P. S. § 818.2), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Board of Vehicles Act (63 P. S. § 818.1—818.37).

Board—The State Board of Vehicle Manufacturers, Dealers and Salespersons.

Dealer's interest in vehicles—A dealer's interest in vehicles, as the term is used in section 2 of the act, does not include the lease of a vehicle.

Engaging in the occupation of vehicle salesperson—The display, demonstration, offer for sale or retail sale of any vehicle not owned by that person.

§ 19.4. Fees.

The following is the schedule of fees charged by the Board:

Salesperson license application	\$25
Factory representative or distributor representative license application	25
Manufacturer license application	30
Factory or distributor branch license application	30
Distributor license application	30
Dealer license application	65
Auction license application	65
Dealer branch lot license application	65
Salesperson change of employer transfer application	25
Business name or post office address change	30
Business physical location change	60
Verification of licensure	15
Reinspection after failure	45
Certification of license history	25
Biennial renewal—salesperson license	35
Biennial renewal—vehicle representative license	35
Biennial renewal—manufacturer license	100
Biennial renewal—manufacturer branch license	70
Biennial renewal—distributor license	70
Biennial renewal—dealer license	70
Biennial renewal—auction license	70
Biennial renewal—dealer branch license	70

SALESPERSON'S LICENSE

§ 19.11. License.

It is unlawful for a person, except as provided in this chapter, to engage in the occupation of salesperson within this Commonwealth unless the person has secured a license as required under the act.

§ 19.12. Application for license.

(a) Application for license as a salesperson shall be made in writing to the Board, signed by the applicant, designating the business name and address of the dealer then employing the applicant or into whose employ the applicant is then about to enter. Applications shall be made upon a form of application prepared by the Board which shall include the recommendation of his employer or prospective employer certifying that the applicant is honest, trustworthy, truthful and of good repute and recommending that a license be granted. In the case of an applicant who is himself a dealer, an officer of a corporation which is a dealer or a member of a partnership which is a dealer, a representative of a bank or sales finance company which has personal knowledge concerning the reputation and fitness of the applicant, shall

complete affidavit No. 4 on transfer form or No. 18 on the original application. The form of application shall contain other information, as the Board requires.

(b) A person, resident or nonresident, who, in whole or in part, sells, distributes or exchanges vehicles to dealers within this Commonwealth, is required to be licensed in this Commonwealth as a distributor or dealer.

§ 19.15. (Reserved).

§ 19.16. (Reserved).

DEALERSHIP LICENSE

§ 19.17. Separate business identity for dealers.

Every licensed dealership shall have a business identity separate from other businesses owned or operated by the dealer.

§ 19.18. Established place of business for dealers.

A licensed dealer shall maintain an established place of business that meets the following criteria:

* * * * *

(3) *Display area.* The dealership shall have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.* The display area of a dealership that buys, sells or exchanges vehicles shall be large enough for the display of at least five vehicles—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, manufactured housing and mobile homes shall have a display area of at least 5,000 square feet, unless exempted by section 5(e)(3) or (4) of the act (63 P. S. § 815.5(e)(3)).

(ii) *Grading and surfacing.* An outdoor display area shall be properly graded. The outdoor display area of a dealership that buys, sells or exchanges vehicles shall be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material.

(iii) *Separation from adjacent parking areas.* An outdoor display area shall be separated from the parking areas of adjacent businesses and residences by grass strips, ropes and pennants, painted lines or some other conspicuous means of separation.

(iv) *Lighting.* If a dealership with an outdoor display area intends to be open during evening hours, the display area shall be lighted adequately.

(4) *Repairs and ancillary services.* A dealership that buys, sells or exchanges mobile homes or manufactured housing shall do one of the following:

(i) Provide transportation, installation and repair services to its customers.

(ii) Make available to its customers a list of persons or companies who provide transportation, installation and repair services.

(5) *Telephone.* The dealership shall have a single business line telephone, located within the permanent enclosed building, that is used for the dealership. The telephone number shall be listed under the dealership's licensed name.

(6) *Sign.* The dealership shall exhibit a sign, either permanently affixed to the building or erected in the outdoor display area, that shows the licensed name of the dealership and that is visible to the public.

(7) *Land-use ordinances.* The dealership shall be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(8) *Fire-safety requirements.* A dealership that is located in Pittsburgh, Philadelphia or Scranton shall possess a certificate of compliance with fire-safety requirements issued by the appropriate fire-safety authority of that city. A dealership that is located somewhere other than in Pittsburgh, Philadelphia or Scranton shall possess a Certificate of Occupancy issued by the Department of Labor and Industry under the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

(9) *Posting of business hours.* The dealership shall post its regular business hours in a conspicuous place for the visiting public.

POWERS AND DUTIES OF THE BOARD

§ 19.21. (Reserved).

§ 19.22. **Investigation.**

The Board will investigate on its own initiative or upon the verified complaint in writing of a person, allegations of the wrongful act of a licensee of the act and will have the power to suspend or revoke licenses issued by the Board if, after notice and hearing, the person charged is found guilty of committing or attempting to commit the following acts, in addition to those acts enumerated in the act:

(1) Has required a purchaser of a new vehicle, as a condition of sale and delivery of the vehicle, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser.

(2) Has willfully failed or refused to perform a written agreement with a retail buyer involving the sale of a vehicle.

(3) Has used the words "lease" or "leasing" in a dealer's trade name.

(4) Has with intent to sell or in any way dispose of vehicles, or with intent to increase the volume of sales of vehicles or to induce the public in any manner to enter into an obligation relating thereto, or to acquire title thereto or an interest therein, made, published, disseminated, or caused, directly or indirectly, the same to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publication in the form of a book, notice, handbill, poster, sign, bill circular, pamphlet or letter, or over a radio or television station or other medium of wireless communication, or in another way, similar or dissimilar to the foregoing, an advertisement, announcement, or statement, of any sort regarding the vehicles so offered to the public or concerning the quantity, quality, value, merit, use, present or former price, cost, reason for price, motive for sale or concerning the method of pricing, or the possession of rewards, prizes or distinctions conferred, regarding the vehicles which advertisement contains an assertion, representation, or statement of fact which is untrue, deceptive or mislead-

ing, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(5) Has advertised a vehicle for sale, in a manner indicating that the sale is being made by a private party or household not engaged in the vehicle business, unless that advertisement shall affirmatively and unmistakably indicate and state that the seller is a dealer or salesperson and not a private party.

(6) Has advertised misrepresenting the true nature of the business by the use of the words "manufacturer," "importer" or "wholesaler" or has represented that he is selling at wholesale in any form of sale or advertising unless the dealer is actually selling at wholesale for the purpose of resale, or unless the dealer is in fact advertising true wholesale prices.

(7) Has misrepresented the true nature of the business by the use of the words "sale at wholesale", "sales at wholesale," "wholesale sale," "wholesale prices" or words of similar import containing the word "wholesale" unless vehicles listed or sold under the claims are sales to a purchaser for the purpose of resale.

(8) Has advertised a vehicle for sale and then has refused to show, demonstrate or sell the vehicle offered in accordance with the terms of the offer, subject to prior sale.

(9) Has used the word "new" in the trade name, in the advertising, or on the checks or business stationery of a dealer who engages only in the sale, purchase or exchange of used vehicles.

(10) Has used the words "broker" or "brokering" in the trade name, in the advertising, or on the checks or business stationery of a dealer or auction.

§ 19.23. **Vehicle shows, off-premise sales and exhibitions.**

A vehicle show, off-premise sale or exhibition may not last for more than 14-consecutive days. To preclude the operation of an unlicensed branch location, a dealer may not participate in any show or combination of shows at a given location for more than 15 days in any period of 30 days, for more than 30 days in any period of 3 months or for more than 60 days in any period of 12 months.

[Pa.B. Doc. No. 02-1248. Filed for public inspection July 19, 2002, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53 AND 93]

Access Areas and Marinas; Registration and Titling of Boats

The Fish and Boat Commission (Commission) by this order amends Chapters 53 and 93 (relating to Commission property; and registration and numbering). The Commission is publishing these final-form amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The amendments will go into effect upon publication of an order adopting the final-form amendments in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The final-form amendment to § 53.12a (relating to access areas and marinas) is published under the statutory authority of section 741 of the code (relating to control of property). The final-form amendment to § 93.14 (relating to proof of ownership for initial registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendments to §§ 93.113—93.116 are published under the statutory authority of section 5325 of the code (relating to rules and regulations).

D. Purpose and Background

The final-form amendments are designed to update, modify and improve the Commission's regulations pertaining to its property and the registration and titling of boats. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

(1) *Section 53.12a.* The Commission's regional law enforcement offices from time to time receive complaints from boaters that anglers are blocking boat launch areas (docks, in particular). Although § 53.12a provides that the Executive Director may impose additional restrictions on the use of Commission access areas and marinas and that these restrictions will be effective when posted at the site, the Commission believes that it would be desirable to have a regulation in place that expressly states that boats have the right-of-way over fishing from boat launch areas and that it is unlawful to fish from boat launch areas when posted. Accordingly, the Commission has amended this section as proposed.

(2) *Section 93.14.* With the continued popularity of canoes and kayaks, sales of these boats have been strong. Also, because of their relatively small size and low cost, they are readily available from many distribution outlets besides traditional boat dealers. These other outlets include sporting goods and discount type retail stores.

In part because these nontraditional outlets are not familiar with documentation requirements, purchasers frequently are not provided with the manufacturer's certificate of origin (MCO). Under the Commission's regulations, the original MCO is required for the initial registration of a boat. This requirement for nonpowered boats, such as canoes and kayaks, sold from retail establishments is causing significant delays in registration, imposing unreasonable "paper chase" requirements on applicants and raising frustration and customer service issues.

Accordingly, the Commission has amended this section, as proposed, to eliminate the MCO requirement for boats that are registered voluntarily under section 5303 of the code (relating to voluntary and special registrations) where the boat has a retail value of less than \$2,000. The Commission also has reorganized this section as proposed.

(3) *Sections 93.113—93.116.* On July 1, 2001, revised 13 Pa.C.S. Division 9 (relating to secured transactions) went into effect in this Commonwealth. Also going into effect

on July 1, 2001, were amendments to sections 5323 and 5327 of the code (relating to content and effect of certificate of title; and fees). These amendments were made so that the code conforms with the revised Division 9. Changes to the Commission's titling regulations that pertain to security interests also were required so that these regulations conform with the revised Division 9. Accordingly, the Commission has amended §§ 93.113—93.116 as proposed.

F. Paperwork

The final-form amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking was published at 32 Pa.B. 1217 (March 2, 2002). The Commission did not receive any public comments concerning these proposals.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53 and 93, are amended by amending §§ 53.12a, 93.14 and 93.113—93.116 to read as set forth at 32 Pa.B. 1217.

(b) The Executive Director will submit this order and 32 Pa.B. 1217 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 32 Pa.B. 1217 and deposit the same with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-124. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 02-1249. Filed for public inspection July 19, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 101, 109, 111 AND 115]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 101, 109, 111 and 115. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to boating.

A. Effective Date

The proposed amendments will go into effect on January 1, 2003, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

B. Contact Person

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

C. Statutory Authority

The proposed amendments to §§ 101.2 and 109.3 (relating to reportable boating accidents; and personal watercraft) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendment to § 111.2 (relating to Allegheny County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water). The proposed amendments to §§ 115.4, 115.8 and 115.9 (relating to annual safety inspections; personnel requirements of passenger carrying boats; and licenses for operators) are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board (BAB) considered all of the proposals and recommended that the Commission publish a notice of proposed rulemaking. With regard to the proposed amendment to § 111.2, BAB also requested that the Commission hold a public meeting in the Pittsburgh, PA area on a weeknight during the boating season to give the public an additional opportunity to comment.

E. Summary of Proposal

(1) *Section 101.2.* The United States Coast Guard has raised the threshold of property damage for reportable accidents involving recreational vessels. Prior to this change, the Coast Guard's regulations, like the Commission's, required a boating accident to be reported when damage to the vessel and other property totaled more than \$500 or there was a complete loss of the vessel. The National Association of State Boating Law Administrators (NASBLA) successfully persuaded the Coast Guard to increase the amount of damage to \$2,000.

If the Commission were to adopt this change, there would be less paperwork required by the public to report a loss. It also would reduce the amount of recordkeeping by the Bureau of Law Enforcement and the Bureau of Boating and Education. In 2001, 90 recreational boating accidents were reported to the Commission. If the Commission had been using the new criteria of \$2,000 or more, there would have been 74 reportable accidents, a reduction of 18%. In 2000, the change would have been less dramatic. There were 90 accidents reported. With the new criteria, there would have been eight fewer reportable accidents, a reduction of 9%. The Commission proposes to amend this section to read as set forth in Annex A.

(2) *Section 109.3.* NASBLA has a model act for personal watercraft that includes a definition of the term "personal watercraft." The definition is very similar to the existing definition in the Commission's regulations and to those enacted by other states. The Commission's current definition, however, is vague when it refers to the position of the operator (rather than in the conventional manner of boat operation). The NASBLA model act is clearer and does not change "spirit" or the intent of the existing Commission regulation. In addition, recent developments in boat design continue to make clarification necessary so that boat operators and the Commission's officers clearly understand the legal requirements for all boats. The Commission, accordingly, proposes to amend the definition to read as set forth in Annex A.

(3) *Section 111.2.* On February 15, 2002, the Commission received a petition from "Boaters are Voters," Pittsburgh, PA. The petition requests an extension of the existing slow, minimum height swell speed zone currently in place at the "Point" in Pittsburgh, PA to encompass the area between the Fort Duquesne and Sixth Street Bridges, a distance of about 1,500 feet. The petition was accompanied by letters of support from 6 organizations and petition sheets with 291 signatures.

Under § 51.6 (relating to petitions or requests for regulations), petitions are reviewed by Commission staff to ensure that the requested regulatory changes are complete, do not conflict with Commonwealth or Federal law and are within the Commission's jurisdiction. Commission staff have determined that these conditions have been met and, accordingly, have accepted the petition. Because Commission staff were made aware of the petitioners' concerns during the 2001 boating season, preliminary investigation of the need for this regulation was commenced in 2001. Additionally, the request involves only the extension of a current regulated zone and is not a new regulation. With this information in hand, Commission staff believe that a full staff report is unnecessary and recommended to the Commission that the petition go directly to the proposed rulemaking phase. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

(4) *Sections 115.4, 115.8 and 115.9.* A recent review of Chapter 115 (relating to boats carrying passengers for hire) has revealed that minor changes are needed to correct some of the problems and concerns that occur for owners and operators of passenger carrying vessels and the inspectors of these vessels. In § 115.4(a) and (d), the Commission proposes amendments to make it clear that when the inspector arrives on the agreed date of inspection, the vessel must be completely ready for inspection

and a current certificate of insurance must be presented to the inspector. Too often, vessels are not ready for inspection and certificates of insurance are late or never forwarded by the insurance companies.

The Commission also proposes to amend § 115.8 to provide accommodations for persons with physical limitations. Recently, the owner of a passenger carrying vessel requested certification as a passenger for hire operator. A doctor had certified that the individual is physically qualified to operate a passenger carrying vessel in accordance with the Commission's current standards. The individual's physical limitations, however, would prohibit the individual from handling mooring lines, associated equipment and certain emergencies without assistance. These limitations would not interfere with the actual operation of the vessel.

The fee requirement in § 115.9(a) is redundant because § 115.9(c) already requires that the applicable fee be attached to the application. Thus, the Commission proposes that it be deleted. The Commission also proposes to amend § 115.9(d) to be more specific concerning examination requirements for the oral and practical test. Current regulations require a Boating Safety Education Certificate for crewmembers but not the operator. Accordingly, the Commission proposes to amend these sections to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

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

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-128. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 101. BOATING ACCIDENTS

§ 101.2. Reportable boating accidents.

Boating accidents shall be reported when one or more of the following conditions exist:

* * * * *

(3) Damage to [the vessel] vessels and other property totals [more than \$500] \$2,000 or more or there is a complete loss of [the] any vessel.

* * * * *

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.3. Personal watercraft.

(a) As used in this section, "personal watercraft" means a boat less than 16 feet in length which meets the following conditions:

* * * * *

(2) Is designed to be operated by a person sitting, standing, or kneeling on, rather than [in the conventional manner of boat operation] being operated by a person sitting or standing inside the vessel.

* * * * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.2. Allegheny County.

* * * * *

(c) Allegheny, Monongahela and Ohio Rivers. (City of Pittsburgh). Boats are limited to slow, minimum height swell speed from the Fort Pitt Bridge over the Monongahela River and the [Fort Duquesne Bridge] Sixth Street Bridge over the Allegheny River to the West End Bridge over the Ohio River. This zone shall be in effect on weekends from May 1 to October 1 from 3 p.m. Friday until midnight Sunday and from 3 p.m. on the day preceding Memorial Day, July 4 and Labor Day until midnight of the holiday.

* * * * *

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.4. Annual safety inspections.

(a) [Every] Annual safety inspections are required every year after the year of initial certification. When the vessel is ready for inspection, the owner shall apply for an annual safety inspection in writing to the regional law enforcement office for the region in which the boat is to operate. The application shall be submitted at least 30 days prior to the requested date of inspection. This annual inspection shall be conducted prior to the first commercial use of the boat or within 30 days of the date of issue on the certificate of inspection if the boat operates year round.

* * * * *

(d) The owner or a representative shall [forward or cause to be forwarded to the Commission] present on the day of inspection a current certificate of insurance with minimum coverage as described in § 115.2 (b)(2) (relating to initial certification) to the inspector designated by the Commission. [The insurance certificate shall be mailed to the Commission at least 30 days prior to the requested date of the annual safety inspection of the boat.]

§ 115.8. Personnel requirements of passenger carrying boats.

* * * * *

(b) It is unlawful to operate a boat carrying passengers for hire without an additional qualified crew member if one of the following conditions exist:

* * * * *

(3) The [boat is of a design that the] operator cannot handle the mooring lines or associated equipment without assistance.

(c) To qualify as a crew member, an individual shall meet the following conditions. The individual shall [be]:

(1) [At] Be at least 16 years of age.

(2) [Capable] Be capable of performing the duties required.

(3) [A graduate of an approved safe boating course] Possess a valid Boating Safety Education Certificate.

§ 115.9. Licenses for operators.

(a) Eligibility. Persons, 18 years of age and older, of good character and in good physical condition and who possess a valid Boating Safety Education Certificate are eligible for licensing as operators of passenger-carrying boats [upon payment of the fee specified in section 5104 of the code (relating to fees)].

* * * * *

(d) Examination. Persons applying for a license to operate a boat carrying passengers for hire shall pass a professional examination to demonstrate sufficient experience and capabilities to assume the responsibilities for operation of a passenger-carrying boat. Examination will include [both] oral [and written] questions and a practical test of boating skills using the boat—or a boat of identical size and type—for which an operator's license is being requested. [A passing score of 80% is required.] If the applicant does not pass the oral [or written] examination or the practical test, 30 days is required prior to taking a retest. A request for the retest shall be submitted on Form PFBC-292.

* * * * *

[Pa.B. Doc. No. 02-1250. Filed for public inspection July 19, 2002, 9:00 a.m.]

[58 PA. CODE CH. 111]
Boating; Pike County

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed amendment will go into effect upon publication of an order adopting the amendment in the Pennsylvania Bulletin.

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 111.52 (relating to Pike County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve the Commission's regulations pertaining to boating.

E. Summary of Proposal

Under § 111.52(c)(5), floating docks and mooring buoys shall be removed from Lake Wallenpaupack, Pike County, prior to December 1 of each year. Commission staff believe that the Commission adopted this regulation in the early 1970s at the request of PP&L, which wanted to make Lake Wallenpaupack safer for snowmobiles. From a boating safety perspective, the regulation does not serve any purpose. In addition, the Department of Environmental Protection, Bureau of Watershed Management, has prepared a draft general permit specific to Lake Wallenpaupack for docks, access paths and ramps, boat launching ramps and shoreline stabilization and protection projects at Lake Wallenpaupack. One of the permit conditions will be that floating docks must be removed from the water by December 1 of each year. Therefore, the special boating regulation is no longer necessary, and the Commission proposes removing it.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

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

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-130. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.52. Pike County.

* * * * *

(c) *Lake Wallenpaupack.*

* * * * *

(5) [**Floating docks and mooring buoys shall be removed from the lake prior to December 1 of the year.**

(6)] Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

[(7)] (6) * * *

[Pa.B. Doc. No. 02-1251. Filed for public inspection July 19, 2002, 9:00 a.m.]

[58 PA. CODE CHS. 61 AND 63]
Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 63 (relating to seasons, sizes and creel limits; and general fishing regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed amendments will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to §§ 61.1 and 63.3 (relating to Commonwealth inland waters; and fishing in approved trout waters) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) are published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(1) *Section 61.1.* According to this section, the extended trout season applies to "all approved trout waters streams plus lakes and ponds." The "Summary of Fishing Regulations and Laws" (Summary Book), on the other hand, provides that the extended trout season applies to "all approved trout streams and their downstream areas and all lakes and ponds." Since the current wording of § 61.1 is a bit awkward and does not include the downstream areas, the Commission proposes to amend this section to read as set forth in Annex A.

(2) *Sections 63.3 and 63.20.* The allocation of stocked trout is a dynamic process, which has recently resulted in

some changes, with some waters that were previously not to be stocked by the Commission this year having been added back to the stocking program. Under §§ 63.3 and 63.20 and § 65.26 (related to extended trout seasons), the term "approved trout waters" has regulatory significance:

(1) Approved trout waters are closed to all fishing from March 1 to opening day. With the exception of the select trout lakes and several special cases, this means that it is illegal to fish for anything in these waters during the "closed season." For waters not listed, fishing is permitted and a person does not commit a violation as long as the individual does not take, catch, kill or possess trout. (A fish returned immediately unharmed to the waters from which taken is not considered a violation.)

(2) The extended trout season (day after Labor Day until the last day of February of following year) applies to approved trout waters with a creel limit of three per day.

(3) An angler needs a trout stamp to fish in approved trout waters from opening day until the first Saturday in May regardless of what the angler is fishing for.

The Commission's regulations are currently worded in a way that seems to limit the Commission's ability to add waters back to the approved trout waters list. Currently, the list is defined as the list in the Summary Book, which does not give the Commission much flexibility. Accordingly, the Commission proposes to amend §§ 63.3 and 63.20 to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 90 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-129. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland

waters of this Commonwealth and the Youghiogheny Reservoir:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11, to midnight Labor Day	7 inches	5—Streams, lakes and ponds (combined species) except areas with special regulations
	Extended Season: [All approved Trout waters streams plus lakes and ponds] Streams listed as approved trout waters and all waters downstream of streams listed as approved trout waters plus lakes and ponds: January 1—last day of February and day after Labor Day to midnight, last day of February of the following year.	7 inches	3 (combined species)
* * * * *			

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.3. Fishing in approved trout waters.

It is unlawful to fish in [**designated**] approved trout waters [**as listed in the Commission’s “Summary of Fishing Regulations and Laws,” available from the Fish and Boat Commission at Post Office Box 1673, Harrisburg, Pennsylvania 17105,**] from 12:01 a.m. March 1 to 8 a.m. on the opening day of trout season in April. **As used in this subpart, the term “approved trout waters” means designated waters open to public fishing that are stocked with trout. A listing of approved trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, PA 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of approved trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.**

§ 63.20. Permits for the protection and management of trout and salmon.

* * * * *

(f) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

* * * * *

(2) The person fishes in streams or rivers that are [**designated**] approved trout waters **as defined in § 63.3 (relating to fishing in approved trout waters)** or their tributaries during the period from 8 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday in May. [**Designated approved trout waters are listed in the Commission’s “Summary of Fishing Regulations and Laws,” available from the Commission at Post Office Box 67000, Harrisburg, PA 17106-7000.**]

* * * * *

[Pa.B. Doc. No. 02-1252. Filed for public inspection July 19, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 130]

Guidelines for Employment Screening Programs under Act 115 of 2001

The Department of Labor and Industry (Department), Bureau of Workers' Compensation issues a statement of policy in accordance with section 108 of the Workers' Compensation Act (act) (77 P. S. § 27.1).

A. Effective Date

This statement of policy will be effective immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

The contact person for this statement of policy is Richard H. Thompson, Director, Bureau of Workers' Compensation, Department of Labor and Industry, 1171 South Cameron Street, Room 103, Harrisburg, PA 17104-2501.

C. Statutory Authority

The act of December 20, 2001 (P. L. 967, No. 115) requires the Department to issue and publish guidelines for an employment screening program for Hepatitis C in enumerated occupations. Section 108(m.1) of the act.

D. Purpose of the Statement of Policy

The purpose of this statement of policy is to provide guidelines for the screening program that includes testing for the Hepatitis C virus so that an employer may rebut the presumption that the presence of the virus is work-related in occupations enumerated in section 108(m.1) of the act. The program provides for Food and Drug Administration-approved testing, supplemental testing and future interval testing. A screening program should not preclude other procedures.

The Department established these guidelines in coordination with the Department of Health and the Pennsylvania Emergency Management Agency as required under section 108(m.1) of the act.

(*Editor's Note:* The regulations of the Department, 34 Pa. Code, are amended by adding § 130.1 to read as set forth in Annex A.)

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-62. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VIII. BUREAU OF WORKERS' COMPENSATION

CHAPTER 130. OCCUPATIONAL DISEASE UNDER THE WORKERS' COMPENSATION ACT—STATEMENT OF POLICY

Sec.

130.1. Guidelines for employment screening programs under Act 115 of 2001.

§ 130.1. Guidelines for employment screening programs under Act 115 of 2001.

(a) Hepatitis C is a blood-borne virus that attacks the liver. Since its identification in 1989, the virus has become the leading cause of liver transplants in the United States and is responsible for 8,000 to 10,000 deaths per year. Nearly 4 million Americans are currently infected to date. The number of infected Americans is expected to triple within the next 10 to 20 years, according to the National Institute of Health. Emergency medical and public safety employees have been identified as a group with a higher risk of exposure to the virus because of the nature of their employment.

(b) On December 20, 2001, Governor Mark Schweiker signed into law Act 115 of 2001, which amends section 108 of the Workers' Compensation Act (77 P. S. § 1208) (act) to create a presumption that Hepatitis C in the following occupations is an occupational disease within the meaning of the act:

- (1) Professional and volunteer firefighters.
- (2) Volunteer ambulance corp personnel.
- (3) Volunteer rescue and lifesaving squad personnel.
- (4) Emergency medical services personnel and paramedics.
- (5) Pennsylvania State Police officers.
- (6) Police officers requiring certification under 53 Pa.C.S. Chapter 21 (relating to employees).

(7) Commonwealth and county correctional employees and forensic security employees of the Department of Public Welfare, having duties including care, custody and control of inmates involving exposure to Hepatitis C.

(c) The presumption is not conclusive and shall be rebutted "if the employer has established an employment screening program, in accordance with guidelines established by the Department in coordination with the Department of Health and the Pennsylvania Emergency Management Agency and published in the *Pennsylvania Bulletin*, and testing pursuant to that program establishes that the employee incurred the Hepatitis C virus prior to any job-related exposure."

(d) The purpose of this chapter is to provide guidelines for the screening program that includes testing for the Hepatitis C virus so that an employer may rebut the presumption that the presence of the virus is work-related.

(e) An employment screening program for Hepatitis C should be implemented by having an employee undergo medical testing utilizing Food and Drug Administration-approved tests for Hepatitis C, as directed by a physician. As part of the employment screening program, supplemental testing should be conducted where the initial test yields a positive result, or when deemed appropriate by a physician. Future interval testing, to be administered in accordance with accepted standards of care, should be conducted when a physician determines that such testing is appropriate.

(f) The screening program should include testing. Act 115 of 2001 should not be interpreted to preclude other related procedures, such as the distribution of questionnaires requesting information on prior employment, including a description of job duties and responsibilities.

(g) This chapter is intended to provide guidance to the Bureau of Workers' Compensation staff, workers' compensation insurance carriers, employers, employees, workers' compensation practitioners and other interested parties concerning the implementation of Act 115 of 2001. This chapter does not constitute a rule or regulation with the force of law.

[Pa.B. Doc. No. 02-1253. Filed for public inspection July 19, 2002, 9:00 a.m.]

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Fees for Laurel Hill Lodge

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314) and in accordance with 17 Pa. Code § 11.164 (relating to fees), the Department of Conservation and Natural Resources (Department) hereby gives notice that the following fees are in effect for Laurel Hill Lodge at Laurel Hill State Park, Somerset County.

For further information, contact Gary K. Smith, Chief, Park Operations and Maintenance Division, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 783-3303. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users).

Fees for Laurel Hill Lodge

Spring and Fall Season

<i>Fee Title</i>	<i>Unit</i>	<i>Proposed Resident</i>	<i>Proposed Nonresident</i>
Laurel Hill Lodge			
Lodge—Sleeps 14	Per Week	\$975	\$1,075
Friday—Saturday	Per Night	200	225
Sunday—Thursday	Per Night	150	175

Summer and Winter Season

<i>Fee Title</i>	<i>Unit</i>	<i>Proposed Resident</i>	<i>Proposed Nonresident</i>
Laurel Hill Lodge			
Lodge—Sleeps 14	Per Week	\$1,075	\$1,175
Friday—Saturday	Per Night	225	250
Sunday—Thursday	Per Night	200	225

The peak rental periods are the Summer Rental Season (from the second Friday in June through the day before the second Friday in August) and the Winter Rental Season from the Friday before Thanksgiving through the first Friday in March. The lodge must be rented for a 1-week period from the Friday after Memorial Day through the Friday before Labor Day for the rest of the year. The lodge must be rented for a minimum of 2 days, up to a maximum of 14-consecutive days.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 02-1254. Filed for public inspection July 19, 2002, 9:00 a.m.]

Pennsylvania Recreational Trails Advisory Board

The Department of Conservation and Natural Resources (Department) is seeking nominations for four new appointments and one vacant position to the Pennsylvania Recreational Trails Advisory Board (Board).

The Board consists of members from nine different types of recreational trail uses; the four new positions are

for physically challenged, water trails, all-terrain vehicle driving and snowmobiling. The vacant position is for bicycling.

The Board was created in October 1992, in accordance with the Transportation Equity Act for the 21st Century (TEA 21). The Board's primary function is to advise the Department on general trail use throughout this Commonwealth, including the use of Federal trails funding.

In addition to the five open positions, members represent cross-country skiing, off-highway motorcycling, horseback riding and four-wheel driving trail uses.

Nominations must be submitted to the Department by September 20, 2002. Appointments will be made by Secretary John C. Oliver. Appointees will serve a consecutive 3-year term, while the vacant bicycling term will expire in 1 year.

To obtain a nomination form or for more information on the Board or the nomination process, contact the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, Pennsylvania Recreational Trails Program, Harrisburg, PA 17105-8475, (717) 772-3319 or e-mail Scott Cope at scope@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Scott Cope at (717) 772-3319 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 02-1255. Filed for public inspection July 19, 2002, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application from Drexel University to Approve Major Corporate Change

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes) and 22 Pa. Code § 31.72 (relating to obligations), the Department of Education (Department) will consider the application of Drexel University for approval of major corporate change to exercise its option to take over the operation of Philadelphia Health and Education Corporation, which has conducted business as MCP Hahnemann University. Further, Drexel University requests the revocation of the degree granting authority of Philadelphia Health and Education Corporation and requests the approval of the fictitious name for Philadelphia Health and Education Corporation's operation of the school of medicine as "Drexel University College of Medicine."

In accordance with 24 Pa.C.S. § 6503(e) (relating to certifications of institutions), the Department will act upon the application without hearing unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed

with the Department along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula J. Fleck, Chief, Division of Program Services, (717) 772-3623 or Carol Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Paula J. Fleck (717) 772-3623 or Carol Gisselquist (717) 787-4448 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-1256. Filed for public inspection July 19, 2002, 9:00 a.m.]

Availability of 2002-2003 Innovative Learning and Workforce Development Funding

Applications for FY 2002-2003 Innovative Learning and Workforce Development Funding are invited.

Project Period: July 1, 2002, to June 30, 2003
Maximum Amount per Application: \$50,000

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers and area school districts with career and technical programs.

2. Applications Deadline

Applications are due by 5 p.m. on August 20, 2002.

3. How to Apply

The Department of Education (Department) has implemented an internet-based E-Grant system that that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us/. Click on K-12 Schools, then Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines; click on Innovative Learning and Workforce Development.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be

addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, e-mail: jbonchalk@state.pa.us.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-1257. Filed for public inspection July 19, 2002, 9:00 a.m.]

Availability of 2002-2003 Innovative Learning and Workforce Development Funding for Agricultural Programs

Applications for FY 2002-2003 Innovative Learning and Workforce Development Funding for Agricultural Programs are invited.

Project Period: July 1, 2002, to June 30, 2003
Maximum Amount per Application: \$30,000

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers and area school districts with career and technical programs.

2. Applications Deadline

Applications are due by 5 p.m. on August 20, 2002.

3. How to Apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us/. Click on K-12 Schools, then Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines; click on Innovative Learning and Workforce Development.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, e-mail: jbonchalk@state.pa.us.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-1258. Filed for public inspection July 19, 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 below, 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 above 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

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>
PA0039730	RRP Recreational Limited Partnership Lake Raystown Resort 100 Chipmunk Crossing Entriken, PA 16638	Huntingdon County Lincoln Township	Raystown Lake/11-D	Y
PA0081833	SK Part II Limited t/a Peach Bottom Inn 6085 Delta Road Delta, PA 17314	York County Peach Bottom Township	Scott Creek/7-I	Y
PA0043567	York Springs Municipal Authority P. O. Box 175 York Springs, PA 17372	Adams County Huntingdon County	Gardner Run/7F	Y
PA0080519	Antrim Township Municipal Authority P. O. Box 130 Greencastle, PA 17225	Franklin County Antrim Township	Conococheague Creek/13C	Y

<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>
PA0087530	Paul McNulty 3651 Waggoners Gap Rd. Carlisle PA 17013	Cumberland County North Middleton Township	UNT Condoquinet Creek/7B	Y

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

PA0003247, Industrial Waste, **ESSROC Cement Corp.**, East Poland Avenue, Bessemer, PA 16112-0779. This proposed facility is located in Bessemer Borough, **Lawrence County**.

Description of Proposed Activity: discharge of stormwater and noncontact cooling water.

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 Beaver River and the Municipal Authority of the Township of North Sewickley located at River Mile 7.56, 20.7 miles below point of discharge.

The receiving stream, Hickory Run, is in watershed 20-B and classified for: trout stocked fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001, 005, 009, 011, 013, 015, 017 and 019 based on a design flow of 0.252 MGD.

<i>Parameter</i>	<i>Average Monthly (PPD)</i>	<i>Daily Maximum (PPD)</i>	<i>Daily Maximum (mg/l)</i>
Flow	XX		
TSS		27.9	
Temperature (inlet)			XX
Temperature (outlet)			XX
Temperature (Δ)			3°C
pH Standard Units	6.0—9.0		

The TSS daily maximum is a summation of Outfalls 001, 005, 009, 011, 013, 015, 017 and 019.

The proposed effluent limits for Outfall 003, 007, 021 and 025 based on a design flow of N/A MGD.

<i>Parameter</i>	<i>Average Monthly (PPD)</i>	<i>Daily Maximum (PPD)</i>	<i>Daily Maximum (mg/l)</i>
Flow	XX		
TSS			50
pH Standard Units	6.0—9.0		

XX—Monitor and report on DMRs.

Δ—Temperature (outlet)—Temperature (inlet)

The EPA Waiver is in effect.

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

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

No. PA0053279, Sewage, **The Mckee Group**, 1490 Durham Road, New Hope, PA 18938. This application is for renewal of an NPDES permit to discharge treated sewage from a retirement village of Buckingham Springs in Buckingham Township, **Bucks County**. This is an existing discharge to unnamed tributary to Mill Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.10 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	15	30
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	7.0	14.0
Nitrate and Nitrite (as N)		
(7-1 to 10-31)	8.0	16.0
Phosphorus (as P)	2.0	4.0
Total Residual Chlorine	0.06	0.19
Fecal Coliform	200 colonies/100 ml as a geometric average	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

No. PA0011649, Industrial Waste, **Exelon Generation Company**, 200 Exelon Way, Suite 140, KSA1E, Kennett Square, PA 19348. This application is for renewal of an NPDES permit to discharge noncontact cooling water from frequency converters and stormwater located in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware River Estuary Zone 3.

The receiving stream is classified for the following uses: warm water fishery (maintenance only) and migratory fishery (passage only).

The proposed effluent limits for Outfall 102, based on an average flow of 1.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids (Net)	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 202, based on an average flow of 100 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30

The EPA Waiver is in effect.

Other Conditions: Monitor water source for temperature, suspended solids and flow.

No. PA0058556, Industrial Waste, **Downingtown Municipal Water Authority**, 100 Water Plant Way, Downingtown, PA 19335. This application is for issuance of an NPDES permit to discharge filter backwash water from water filtration plant in Downingtown Borough, **Chester County**. This is a new discharge to an unnamed tributary to Beaver Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 50,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
pH	Within limits of 6.0—9.0 Standard Units at all times		
Total Residual Chlorine	0.5	1.0	1.3
Iron, Total	2	4	5
Aluminum, Total	4	8	10
Manganese, Total	1	2	2.5

The EPA Waiver is in effect.

No. PA0058505, Sewage, **Kilcar House, Inc.**, 199 Union Road, Quakertown, PA 18951. This application is for issuance of an NPDES permit to discharge treated sewage from sewage treatment plant in Richland Township, **Bucks County**. This is a new discharge to Tohickon Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1,400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Phosphorus (as P)	Monitor/Report	Monitor/Report
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

No. PA0026247, Sewage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This application is for renewal of an NPDES permit to discharge treated sewage from Hatfield Township Sewage Treatment Plant in Hatfield Township, **Montgomery County**. This is an existing discharge to West Branch Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average annual flow of 6.43 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Nitrate and Nitrite (as N)			
(7-1 to 10-31)	9.0		18.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Effluent Hardness as CaCO ₃	Monitor		
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Copper, Total	0.03		
Silver, Total	Monitor		
Zinc, Total	Monitor		
Phenolics	Monitor		

Other Conditions:

Implementation of industrial pretreatment program requirements.

Bioassay requirement.

Special Test Methods for certain pollutants.

The EPA Waiver is not in effect.

No. PA0058513, Sewage, **Greg Thompson**, P. O. Box 18, Ferndale, PA 18921. This application is for issuance of an NPDES permit to discharge 500 gpd of treated sewage from a single family home into an unnamed tributary of Haycock Creek in Springfield Township, **Bucks County**.

The receiving stream is classified for the following uses: trout stocking fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine		Monitor Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

No. PA0058599, Sewage, **Glenn W. Neebe**, 265 Frogtown Road, Kintnersville, PA 18930-9644. This application is for issuance of an NPDES permit to discharge treated sewage from sewage treatment plant in Bedminster Township, **Bucks County**. This is a new discharge to unnamed tributary to Cabin Run Creek.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrite (as N)	10	20
Phosphorus (as P)	1.0	2.0
Total Residual Chlorine	0.5	1.2

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

No. PA0027103 Amendment No. 1, Sewage, Delaware County Regional Water Quality Control Authority, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This application is for amendment of an NPDES permit to discharge stormwater from area around sewage treatment plant in City of Chester, **Delaware County**. This is an existing discharge to Delaware River—Zone 4. This application is also for an amendment to reflect revised effluent limits for total residual chlorine based on site-specific study for Outfall 001.

The receiving stream is classified for the following uses: warm water fishery (maintenance only), migratory fishes (passage only), aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 44 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.0

The previous effluent limits are based on a site-specific study to evaluate stream chlorine demand and discharge chlorine demand. The values used for developing effluent limits are as follows:

- Stream chlorine demand at Delaware River Mileage 80.17 is 0.5 mg/l.
- Discharge chlorine demand at Outfall 001 is 0.63 mg/l.

Other Conditions:

Authorization to the discharge stormwater from areas around the sewage treatment plant through three separate Outfalls 028—030 to the Delaware River Zone 4.

The EPA Waiver is not in effect.

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

PA0013064, Industrial, Elementis Pigments, Inc., 1525 Wood Avenue, Easton, PA 18042-1497. This proposed facility is located in City of Easton, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Bushkill Creek, is in the State Water Plan watershed #1F and is classified for: high quality cold water fishery. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River over 50 miles below the point of discharge.

Outfall 001

The proposed effluent limits for Outfall 001 (noncontact cooling water) based on an average flow of 1.5 MGD are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature**			110°F
pH	Within limits of 6.0 to 9.0 standard units at all times.		

**The discharge may not change the temperature of the receiving stream by more than 2°F in any 1-hour period.

Outfall 002

The proposed effluent limits based on a design flow of 0.821 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	10,000	15,000	
Ammonia-Nitrogen	20	40	50
Oil and Grease	10	30	30
Zinc Total	0.1	0.2	0.25
Iron Total	1.0	2.0	2.5
pH	Within limits of 6.0 to 9.0 standard units at all times		
Temperature*			110°F

<i>Parameter</i>	<i>Period</i>	<i>Maximum Daily °F</i>
Temperature	January 1-31	61
	February 1-29	65
	March 1-31	93

<i>Period</i>	<i>Maximum Daily °F</i>
April 1-30	110
May 1-15	91
May 16-31	96
June 1-15	85
June 16-30	87
July 1-31	79
August 1-15	78
August 16-31	89
September 1-15	73
September 16-30	67
October 1-15	65
October 16-31	60
November 1-30	61
December 1-31	56

Outfalls 003—013 (except 006) are permitted to discharge stormwater only.

PA0041742, Sewage, **Nazareth Borough Municipal Authority**, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Schoeneck Creek, is in the State Water Plan watershed #1F and is classified for: warm water fishery. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River over 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.3 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.5		1.7

In addition to the effluent limits, the permit contains the following major special condition: whole effluent toxicity testing.

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

Application No. PA0021245, Sewage, **Borough of Duncannon**, 428 North High Street, Duncannon, PA 17020. This facility is located in Duncannon Borough, **Perry County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-A, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 7.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed amended effluent limits for Outfall 001 for a design flow of 0.74 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.0	2.0

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. PA0011363, **NGK Metals Corporation**, 150 Tuckerton Road, P. O. Box 13367, Reading, PA 19612-3367. This facility is located in Muhlenberg Township, **Berks County**.

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

The receiving stream, Laurel Run, is in Watershed 3-C and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River, approximately 26 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 201, 301 and 401 are:

<i>Parameter</i>	<i>Monitoring Requirements</i>
CBOD ₅	Monitor and Report
Chemical Oxygen Demand	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Phosphorus	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Iron	Monitor and Report
Oil and Grease	Monitor and Report
pH (S. U.)	Monitor and Report
Total Lead	Monitor and Report
Total Copper	Monitor and Report
Total Beryllium	Monitor and Report

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. PA0246859, CAFO, **Amos Lynn Hoover, Hickory Lane Farm**, R. D. 1, Box 706, Blain, PA 17006. This proposed facility is located in Jackson Township, **Perry County**.

Description of Proposed Activity: Hickory Lane Farm is a swine and steer finishing operation with a total AEU's of 1,164.98. Manure is generated in the following manor: swine manure—4,259,080 gallons/year and steer manure—473.4 tons/year. Manure is stored in a 4,070,662 gallon earthen clay-lined manure storage structure. All manure produced on the farm is utilized by applying it to corn, hay and pasture crops located on the farm. Manure is applied in the spring and the fall as crop rotation allows.

The receiving stream, Sherman's Creek/Bowers Run, is in the State Water Plan Watershed 7-A and is classified for: WQ-CWF.

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

Application No. PA0010367, Industrial Waste, **Norfolk Southern Railway Company (Hollidaysburg Car Shop)**, 110 Franklin Road, S.E., Box 13, Roanoke, VA 24042. This facility is located in Hollidaysburg Borough, **Blair County**.

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

The receiving stream, Beaverdam Branch, is in Watershed 11-A, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 125 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.007 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
Oil and Grease	15	XXX	30
Temperature		Monitor and Report	XXX

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. PA0082538, Industrial Waste, SIC Code 4941, **Altoona City Authority (Andronic Papps Water Treatment Facility)**, 20 Greenwood Road, Altoona, PA 16602-7114. This facility is located in Logan Township, **Blair County**.

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

The receiving stream, Burgoon Run (Lake Altoona), is in Watershed 11-A and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on Juniata River, approximately 127 miles downstream. The discharge is not expected to affect the water supply.

This treatment plant is a 100% recycling plant; however, a discharge may occur during a plant start-up or an extraordinary chain of events. The following parameters are to be monitored in the event of a discharge:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
TSS		Monitor and Report	
Total Aluminum		Monitor and Report	
Total Iron		Monitor and Report	
Total Manganese		Monitor and Report	

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

- The Preparedness, Prevention and Contingency Plan shall be amended to establish treatment and operational procedures for a discharge event.

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. PA0246824, Sewage, **Stanley W. and Marie Stewart**, 302 East Main Street, Hummelstown, PA 17036-1725. This facility is located in East Hanover Township, **Dauphin 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 Swatara Creek, is in Watershed 7-D and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on Swatara Creek, approximately 1.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0012 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	10	20
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 3.0 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)	2,000/100 ml as a geometric average	

In addition to the effluent limits, the permit contains the following major special condition: dry stream discharge condition.

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. PA0246654, Sewage, **Centre Township Municipal Authority (Hillcrest Estates STP)**, 449 Bucks Hill Road, Mohrsville, PA 19541. This facility is located in Centre Township, **Berks County**.

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

The receiving stream, unnamed tributary to Irish Creek, is in Watershed 3-B and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River, approximately 34 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.5
(11-1 to 4-30)	9.0		19
Total Residual Chlorine	0.32		1.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 4,000/100 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.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3666.

PA0044661, Sewerage SIC, 4952, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837-0305. This existing facility is located in East Buffalo Township, **Union County**.

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

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 10C and classified for: warm water fishes. The nearest downstream public water supply intake for Sunbury Municipal Authority is located on the Susquehanna River, 8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.42 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
TSS	30	45		60
Total Cl ₂ Residual	0.50			1.6
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

PA0008443, Industrial Waste SIC, 4911, **PPL Montour LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This existing facility is located in Derry Township, **Montour County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, Chillisquaque Creek, is in the State Water Plan watershed 10D and classified for: warm water fishes. The nearest downstream public water supply intake for Sunbury Municipal Authority is located on the Susquehanna River, 26 miles below the point of discharge.

The proposed effluent limits for Outfall 050 based on a design flow of 7.6 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH					
TSS			30	100	125
Oil and Grease			15	20	30
Ammonia-N			Report	Report	
Temperature			Report	Report	
Total Chlorine			0.08		0.25
Total Aluminum			Report	Report	
Total Iron			1.7	3.4	4.3
Total PCBs				Report	
Clam-trol-1				Nondetect	
Clam-trol-2				Nondetect	

The proposed effluent limits for Outfall 051 based on a design flow of 0.02 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH					
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean		

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD ₅			25		50
TSS			30		60
Total Chlorine			Report		

The proposed effluent limits for Outfall 052 based on a design flow of 0.46 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report			
pH					
TSS			30		125
Oil and Grease			15	20	30
Total PCBs				Report	
Total Aluminum			1.1	2.2	2.8
Total Iron			Report	Report	

The proposed effluent limits for Outfall 150 based on a design flow of N/A MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Chromium			0.2	0.2	
Total Zinc			1.0	1.0	

The proposed effluent limits for Internal Monitoring Point 151 based on a design flow of N/A MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report				
Free Available Chlorine				0.2	0.5
Total Chromium			0.2	0.2	
Total Zinc			1.0	1.0	

The proposed effluent limits for Internal Monitoring Point 152 based on a design flow of N/A MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report				
Free Available Chlorine				0.2	0.5
Total Chromium			0.2	0.2	
Total Zinc			1.0	1.0	

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

Part C 3 Allowance of algae effects on pH.

Part C 7 Requires Whole Effluent Toxicity tests.

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

PA0027243, Sewage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018. This application is for renewal of an NPDES permit to discharge treated sewage from Youghiogheny STP in North Huntingdon Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 2.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is not in effect.

PA0046671, Sewage, **United Steelworkers of America**, Five Gateway Center, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated sewage from the Linden Hall United Steelworkers STP in Lower Tyrone Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.035 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
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0096130, Sewage, **Nemacolin, Inc.**, 803 Pershing Boulevard, P. O. Box 117, Nemacolin, PA 15351. This application is for renewal of an NPDES permit to discharge treated sewage from Nemacolin, Inc. Sewage Treatment Plant in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Carmichaels Municipal Authority, located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0203793, Sewage, **William J. Debevec**, 4418 Rostosky Ridge Road, Monongahela, PA 15063-4319. This application is for renewal of an NPDES permit to discharge treated sewage from William J. Debevec single residence STP in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Perry Mill Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company, Pittsburgh District, Becks Station on the Monongahela River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217727, Sewage, **Rices Landing Borough**, Main Street, P. O. Box 185, Rices Landing, PA 15357. This application is for renewal of an NPDES permit to discharge treated sewage from Rices Landing STP in the Borough of Rices Landing, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri-County Joint Municipal Authority at Monongahela River MP 64.8.

Outfall 001: existing discharge, design flow of 0.08 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
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219177, Sewage, **Dana Mining Company of PA, Inc.**, P. O. Box 1209, Morgantown, WV 26507. This application is for issuance of an NPDES permit to discharge treated sewage from Titus Mine Sewage Treatment Plant in Dunkard Township, **Greene County**.

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

Outfall 001: new discharge, design flow of 0.001 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)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	8,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219258, Sewage, **268 Center, Inc.**, R. D. 1, Box 290, Cowansville, PA 16218. This application is for issuance of an NPDES permit to discharge treated sewage from Mechling-Shakley Veterans Center Sewage Treatment Plant in Sugar creek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, drainage swale tributary to unnamed tributary of Patterson Creek, which are classified as a high quality trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is Creekside Mushrooms Ltd. located on Buffalo Creek.

Outfall 001: new discharge, design flow of 0.008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.5			5.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.01			0.03
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

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

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

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

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

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

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

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

WQM Permit No. 3902402, Agere Systems, Inc., Mailstop TRB-196BG, 555 Union Boulevard, Allentown, PA 18109-3286. This proposed facility is located in the City of Allentown, **Lehigh County**.

Description of Proposed Action/Activity: This project proposes to build efficiencies and additional/redundant

capacity for several areas of the treatment plant. The permit application reflects a second filter press identical to the existing press, a second lime silo and lime slurry mix tank and a second sludge holding/thickener. The two existing 1,000-gallon hydrofluoric acid treatment tanks will be replaced with two 1,800-gallon treatment tanks.

WQM Permit No. 4802405, Williams Township, 655 Cider Press Road, Easton, PA 18042. This proposed facility is located in Williams Township, **Northampton County**.

Description of Proposed Action/Activity: This project will involve the construction of 350 residential units and 5 commercial units (golf course related structures) on a 327-acre parcel within Williams Township, Northampton County. The development will produce 101,000 GPD. The proposed sanitary sewage collection and conveyance system will also be designed with sufficient capacity to serve 28 existing residences located along Moyer Lane that will produce an additional 7,840 GPD.

WQM Permit No. 3502401, Lackawanna River Basin Sewer Authority, P. O. Box 9068, Dickson City, PA 18519-9068. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: This project proposes improvements to the sanitary sewer collection system's collecting sewer at the Throop, PA, Wastewater Treatment Plant. These improvements will consist of the abandonment of the existing Throop Combined Sewer Overflow Pump Station, along with its associated overflow and outfall sewers, and the construction of a new submersible pump station, valve chamber, force main, influent sewer and drain sewer.

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

WQM Permit No. 3602413, Sewerage, Suburban Lancaster Sewer Authority, P. O. Box 458, Lancaster, PA 17608-0458. This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the replacement of the Lampeter Interceptor.

WQM Permit No. 2888407 Amendment 02-1, Sewerage, Borough of Greencastle, 60 North Washington Street, Greencastle, PA 17225-1230. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction/modification of sewage treatment plant.

WQM Permit No. 6702201, Industrial Waste, **York County Solid Waste and Refuse Authority**, 2700 Blackbridge Road, York, PA 17402. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization for construction/operation of the Blackbridge Road Leaf and Yard Compost Facility.

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

WQM Permit No. 2502413, Sewerage, **Girard Borough**, 34 Main Street West, Girard, PA 16417. This proposed facility is located in Girard Borough, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement and maintenance of an existing sanitary sewer interceptor.

WQM Permit No. 1002408, Sewerage, **Nancy Jane Oesterling**, 454 Keck Road, Butler, PA 16002. This proposed facility is located in Summit Township, **Butler County**. Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No. 2402402, Sewerage, **James A. Maletto**, Box 104 Silver Creek Road, Johnsonburg, PA 15845. This proposed facility is located in Jones Township, **Elk 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 which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

Persons with a disability who 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 PAS10G533, Stormwater, **Land Associates**, 1130 Pocopson Road, West Chester, PA 19382 has applied to discharge stormwater associated with a construction activity located in Penn Township, **Chester County** tributary to Elk Creek (HQ-TSF-MF).

NPDES Permit PAS10G534, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A100, Furlong, PA 18929, has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to Schuylkill River (HQ-TSF).

NPDES Permit PAS10G535, Stormwater, **General Residential Holdings, Inc.**, 101 Marchwood Road, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in Upper Uwchlan Township, **Chester County** to Pickering Creek (HQ-TSF) and unnamed tributary to Marsh Creek (HQ-TSF-MF).

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

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q243	Daniel R. Kelly III 188 Jefferson St. Emmaus, PA 18049	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q244	Alexander Tamerler 1628 Barkwood Dr. Orefield, PA 18069	Lehigh County Alburtis Borough	Swabia Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U174	Muschlitz Excavating, Inc. 586 Moorestown Drive Bath, PA 18014	Northampton County Moore Township	Bushkill Creek HQ-CWF

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

Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301; (412) 228-6774.

NPDES Permit PAS10W088, Stormwater, **West Alexander Borough Municipal Authority**, P. O. Box 299, West Alexander, PA 15376 has applied to discharge storm water associated with a construction activity located in Donegal Township and West Alexander Borough, **Washington County** to Little Wheeling (WWF), Middle Wheeling (WWF) and Dutchfork Creek (HQ-TSF).

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 1402505 , Public Water Supply.	
Applicant	Mt. Eagle Water Association
Township	Howard Township, Centre County
Responsible Official	Joseph Taylor Mt. Eagle Water Association 288 Mount Eagle Road Howard, PA 16841
Type of Facility	PWS
Consulting Engineer	Kerry A. Uhler & Associates 140 Rear West High Street Bellefonte, PA 16823
Application Received Date	July 5, 2002
Description of Action	Application for construction of new well, treatment facilities, and finished water storage tank

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

Permit No. 6302503 , Public Water Supply.	
Applicant	Tri-County Joint Municipal Authority P. O. Box 758 Fredericktown, PA 15333
Township or Borough	Centerville Borough
Responsible Official	Jeff Kovach, Operations Manager Tri-County Joint Municipal Authority P. O. Box 758 Fredericktown, PA 15333
Type of Facility	Pump station
Consulting Engineer	Nichols & Slagle Engineering, Inc. 980 Beaver Grade Road Moon Township, PA 15108
Application Received Date	June 17, 2002
Description of Action	Vestaburg Pump Station

Permit No. 1102504 , Public Water Supply.	
Applicant	Greater Johnstown Water Authority 111 Roosevelt Boulevard Johnstown, PA 15907-1287
Township or Borough	Conemaugh Township
Responsible Official	Louis Soulcheck Greater Johnstown Water Authority 111 Roosevelt Boulevard Johnstown, PA 15907-1287
Type of Facility	Pump station and tank

Consulting Engineer Gibson Thomas Engineering Co., Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received Date June 20, 2002

Description of Action Fernwood Water Storage Tank and Pump Station

Permit No. 0202502, Public Water Supply.

Applicant Moon Township Municipal Authority
1700 Beaver Grade Road, Suite 200
Moon Township, PA 15108

Township or Borough Moon Township

Responsible Official John Riley, General Manager

Type of Facility WTP

Consulting Engineer Nichols & Slagle Engineering, Inc.
980 Beaver Grade Road
Suite 101, Westmark Building
Moon Township, PA 15108

Application Received Date June 21, 2002

Description of Action Construction of Ohio River Water intake, low service pumping facilities and water filtration plant process modifications.

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. 3594502, Minor Amendment.

Applicant **Finch Hill Water Company**

Township or Borough Greenfield Township
Lackawanna County

Responsible Official Bruce Evans
R. R. 1, Box 249
Carbondale, PA 18407

Type of Facility Community Water System

Consulting Engineer David D. Klepadlo, P. E.
David D. Klepadlo & Associates
932 Springbrook Avenue
Moosic, PA 18507
(570) 457-1677

Application Received Date June 28, 2002

Description of Action Application for modification of a PWS construction permit to allow installation of a 4,000 gallon hydropneumatic tank instead of five inseries 120 gallon tanks to obtain required chlorine contact time.

Application No. 3540035, Minor Amendment.

Applicant **Municipal Authority of the Borough of Minersville**

Township or Borough Cass Township
Schuylkill County

Responsible Official Randy S. Sunday, Chairperson
2 East Sunbury Street
Minersville, PA 17954
(570) 544-2200

Type of Facility Community Water System

Consulting Engineer Michael J. Daschbach, P. E.
Entech Engineering, Inc.
4 South Fourth Street
Reading, PA 19603
(610) 373-6667

Application Received Date May 15, 2002

Description of Action Application request to utilize lime for pH adjustment in lieu of the previously approved soda ash.

Application No. 3540015, Minor Amendment.

Applicant **Auburn Municipal Authority**

Township or Borough Auburn Borough
Schuylkill County

Responsible Official Ben Vaupel, Chairperson
Auburn Municipal Authority
P. O. Box 296
Auburn, PA 17922
(570) 754-4706

Type of Facility Community Water System

Consulting Engineer Karen C. Pollock, P. E.
Systems Design Engineering, Inc.
4 Park Plaza
Wyomissing, PA 19610
(610) 320-5490

Application Received Date June 7, 2002

Description of Action Application request for construction of a 300,000 gallon pedestal water storage tank to replace the existing 200,000 gallon storage tank.

Application No. Minor Amendment.

Applicant **Virazon Properties, Inc.**

Township or Borough Dallas Township

Responsible Official Russell I. James, President
Virazon Properties, Inc.
TTV-630
Factoryville, PA 18419

Type of Facility PWS

Application Received Date June 26, 2002

Description of Action Transfer of Permit No. 2400052 to Virazon Properties, Inc. The site, formerly known as the Dallas Mobile Home Park, is to be now known as the White Birch Village.

Application No. Minor Amendment.

Applicant **Montrose Terrace Mobile Home Park**

Township or Borough Bridgewater Township

Responsible Official David Hart
 Montrose Terrace Mobile Home
 Park
 R. R. 6, Box 6067
 Montrose, PA 18801-9702

Type of Facility PWS

Application Received June 6, 2002
 Date

Description of Action Proposed storage tank
 replacement.

WATER ALLOCATIONS

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

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

WA 50-234B, Water Allocations, Newport Borough Water Authority, 19 South Third Street, Newport, PA 17074. The applicant is requesting the right to withdraw 615,000 gallons per day from the Juniata River in Newport Borough, **Perry County**. Consulting Engineer: Max E. Stoner, Glace Associates, Inc. Date application received June 6, 2002.

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.

Former Ultra Precision Facility, Middletown Township, **Bucks County**. Richard P. Cerbone, P. G., ENSR Corp., 2005 Cabot Blvd., West, Langhorne, PA 19047-1810, on behalf of Teachers Insurance & Annuity Assoc., College Retirement Equities Fund, 730 Third Ave., New York, NY 10017-3206, has submitted a revised Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and PAHs. 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 *Bucks County Courier Times* on February 12, 2002.

Sunoco Inc., Ship Road Leak Site DUNS#9000-0170—Philadelphia Suburban Water Co. Property, West Whiteland Township, **Chester County**. Lisa M. Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Philadelphia Suburban Water Co., 762 W. Lancaster Ave., Bryn Mawr, PA 19010, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and PAHs. 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 *Daily Local News* on May 24, 2002.

Former Automatic Timing and Controls Facility, Upper Merion Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Schuylkill Assoc., P. O. Box 128, Ambler, PA 19002, has submitted a revised Notice of Intent to Remediate site groundwater contaminated with BTEX 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 *Times Herald* on June 6, 2002.

SICO—Gilbertsville, Douglass Township, **Montgomery County**. Andrew K. Markoski, P. G., Onesky Engi-

neering, Inc., 210 Carter Drive, Suite 8, West Chester, PA 19382-4984, on behalf of Dillon Real Estate Co., Inc., 2800 E. Fourth St., Hutchinson, (KS) 67501, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX. 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 *Pottstown Mercury* on May 14, 2002.

Exxon Station #2-2002, City of Philadelphia, **Philadelphia County**. Stephanie Rose, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton PA 19341, on behalf of Checkers Restaurants, Great Lakes Restaurants, Inc., 6060 Rockside Woods Blvd., Suite 110, Independence, OH 44131 (Attn: Chris Flocken), has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet State-wide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on June 1, 2002.

Exxon Station #2-2051, City of Philadelphia, **Philadelphia County**. Stephanie Rose, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Chelton Assoc., 1923 Welsh Rd., Philadelphia, PA 19115, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX. 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 June 1, 2002.

Hunter Elementary School, City of Philadelphia, **Philadelphia County**. Gloria G. Hunsberger, P. G., Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of the School District of Philadelphia, 734 Schuylkill Ave., Rm. 336, Philadelphia, PA 19146, has submitted a revised Notice of Intent to Remediate site soil and groundwater contaminated with lead, BTEX, PAHs and solvents. 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 *Al Dia* on Mary 24, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

Permit No. PA6213820503. Letterkenny Army Depot, 1 Overcash Avenue, Letterkenny Army Depot, Chambersburg, PA 17201-4150, Letterkenny Township, **Franklin County**. The application is determined to be administratively complete by the Southcentral Regional Office on July 2, 2002.

Permit No. PAD002330165. East Penn Manufacturing, Inc., P. O. Box 147, Lyon Station, PA 19356-0147, Richmond Township, **Berks County**. The application is determined to be administratively complete by the Southcentral Regional Office on July 3, 2002.

Comments concerning the applications should be directed to John Krueger, Program Manager, Waste Man-

agement 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

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. Comments or protests filed with 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.

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

40-303-021: Hazleton Materials LLC (P. O. Box 1394, Skippack, PA 19474) for construction of a batch asphalt plant and associated air cleaning device in Foster Township, **Luzerne County**.

40-301-076A: Lacey Memorial (Rear 1000 South Church Street, Hazleton, PA 18201) for construction of an animal crematory and associated air cleaning device in Hazle Township, **Luzerne County**.

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

41-0010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for construction of a 650 pound steel-melting electric induction furnace in Muncy Borough, **Lycoming County**.

41-00010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for construction of a 6 ton per hour natural gas-fired fluidized bed thermal foundry sand reclamation system and associated air cleaning device (a fabric collector) in Muncy Borough, **Lycoming County**.

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

16-136B: Glenn O. Hawbaker—CMI Asphalt Plant (394 Ritts Station Road, Clarion, PA 16373) for installation of fuel handling equipment for the burning of No. 5 Oil, No. 6 Oil and waste oil as fuel in Beaver and Licking Townships, **Clarion County**.

61-012D: OMG Americas (2 Mile Run Road, Franklin, PA 16323-0111) for construction of a cobalt carboxylate process with an associated condenser Venturi Scrubber in Sugar creek Township, **Venango County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0036F: Visteon Systems, LLC (2750 Morris Road, Lansdale, PA 19446) for installation and construction of Wave Soldering Machine No. 13 in Worcester Township, **Montgomery County**. This source will result in a facility wide emission increase of 0.0062 ton of lead and 4.56 tons of VOCs per 12-month rolling sum. Wave Soldering Machine No. 13 shall only be used for soldering electronic circuit boards. The plan approval will contain

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0198E: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) for installation of a cocoa bean process with thermal oxidizer as a control in Upper Hanover Township, **Montgomery County**. This facility is a Title V facility. Emissions from this source are 18.3 tons of VOCs per year. The plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

35-317-003: Preferred Meal Systems, Inc. (4135 Birney Avenue, Moosic, PA 18507) for construction of a steam convection cooking oven and associated air cleaning device (carbon filters) in Moosic Borough, **Lackawanna County**. Opacity, malodors and particulates will be controlled to the extent that they will become negligible after the air cleaning device.

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

06-05079A: United Corrstack, Inc. (720 Laurel Street, Reading, PA 19602) for modification of a boiler controlled by a low NOx burner in the City of Reading, **Berks County**. The facility is a non-Title V (State only) facility. The modification will result in the emission of 99 tons per year of SOx, 10.6 tons per year of particulate matter, 25.1 tons per year of NOx and 54.7 tons per year of CO. Limits will be placed on the emissions and amount of fuel used. The applicant will be required to record the emissions and fuel usage on a monthly basis. The approval will include monitoring, record keeping, work practices and reporting to keep the source operating within all applicable air quality requirements.

28-03040A: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for installation of a 51-inch cone crusher to the finishing plant for stone processing operations at its Chambersburg Quarry in Guilford Township, **Franklin County**. Emissions will be controlled by wet suppression. Estimated atmospheric emissions for PM-10 are projected to be 0.78 ton per year. The plan approval will include appropriate conditions designed to ensure compliance with the applicable air quality requirements.

36-05027C: R. R. Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601) for installation of two diesel-fired 1,825 kW portable generators at its Lancaster East facility in the City of Lancaster, **Lancaster County**. The proposed equipment will result in the emission of 7.9 tons per year of NOx. The plan approval will include a fuel limitation. The applicant will be required to record the emissions and fuel usage on a monthly basis. The approval will include monitoring, record keeping, work practices and reporting to keep the source 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.

08-301-016A: Faithful Companions Pet Cemetery, Inc. (R. R. 2, Box 210, Ulster, PA 18850-9645) for con-

struction of an animal crematory incinerator in East Smithfield Township, **Bradford County**.

The air contaminant emissions from the respective incinerator will be controlled by an integral secondary combustion chamber. The resultant particulate emissions will be less than .2 pound per hour.

The Department's review of the information contained in the application indicates that the proposed incinerator will meet all applicable air quality regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the proposed animal crematory incinerator.

The Department intends to place conditions in the plan approval to ensure compliance with all applicable air quality regulatory requirements. The following is a summary of the most important conditions:

1. Only animal remains and associated containers shall be incinerated.

2. The particulate matter emissions shall not exceed .08 grain per dry standard cubic foot, corrected to 7% oxygen and the opacity shall not equal or exceed 10% for more than 3 minutes in any 1 hour or 30% at any time.

3. The incinerator shall be equipped with instrumentation to continuously monitor and record the secondary combustion chamber temperature. All temperature records shall be retained for at least 5 years and made available to the Department upon request.

4. A secondary combustion chamber temperature of at least 1,800°F shall be maintained at any time incineration is occurring.

14-313-042: RUTGERS Organics Corp. (201 Struble Road, State College PA 16801) for modification of an existing chemical process facility for production of a chemical identified as ROC-8 in College Township, **Centre County**.

The air contaminant emissions from the modified process facility shall be controlled by various condensers and two packed bed scrubbers. The resultant air contaminant emissions will be up to 5.79 tons of perchloroethylene (a hazardous air pollutant) and 0.04 ton of nitrogen dioxide per year.

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 packed bed scrubber identified as S0106B shall utilize a minimum 5% sodium hydroxide solution as the scrubbing solution at a recirculation rate of not less than 20 gallons per minute. Additionally, the company shall sample the scrubbing solution after each batch of ROC-8 to ensure that the solution's sodium hydroxide concentration will be greater than or equal to 5% for the next batch run.

2. The packed bed scrubber identified as S0401 shall utilize a minimum 5% sodium hydroxide solution as the scrubbing solution at a recirculation rate of not less than 20 gallons per minute. Additionally, the company shall sample the scrubbing solution after each batch of ROC-8 to ensure that the solution's sodium hydroxide concentration will be greater than or equal to 5% for the next batch run.

3. All condensers utilizing cooling water shall be supplied with cooling water having a temperature no greater

than 75°F at any time as measured by a temperature gauge on the water line from the cooling water supply to the respective condensers. Additionally, the average temperature of the cooling water to the respective condensers shall not exceed 60°F in any 12-consecutive month period based on monthly average temperature readings.

4. The glycol-cooled condensers serving vessels D and E shall be supplied with glycol coolant having a temperature no greater than -12°C.

5. The air cleaning devices shall not be used for the simultaneous control of air contaminant emissions from this process and any other process at the facility.

6. The production rate of ROC-8 shall not exceed 2.5 million pounds in any 12-consecutive month period.

7. No later than 120 days from the date of plan approval issuance, the company shall submit a proposal to the Department describing procedures to be employed to minimize fugitive equipment leaks from the chemical process facility through appropriate monitoring and repair.

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

25-025D: General Electric Transportation Systems (2901 East Lake Road, Erie, PA 16531), for proposed maintenance activities at the Erie facility in Erie, **Erie County**. The permit will be subject to the following conditions:

1. The sources are subject to the requirements in 25 Pa. Code §§ 123.1, 123.11, 123.22, 123.31 and 123.41.

2. For Boiler #1:

a. NOx emissions shall not exceed 400 tpy based on a 12-month consecutive period.

b. NOx emissions shall not exceed 0.59 lb/mmBtu based on a 30-day rolling average.

3. For Boiler #5:

a. NOx emissions shall not exceed 324 tpy based on a 12-month consecutive period.

b. NOx emissions shall not exceed 0.59 lb/mmBtu based on a 30-day rolling average.

4. For Boiler #9:

a. NOx emissions shall not exceed 520 tpy based on a 12-month consecutive period.

b. NOx emissions shall not exceed 0.59 lb/mmBtu based on a 30-day rolling average.

5. Annual NOx emissions for each boiler shall be updated every month by adding emissions during the most recent month and dropping the emissions from the corresponding month in the previous year. NOx emissions reports for each boiler shall be submitted to the Department within 30 days of the end of each calendar quarter.

6. General Electric shall, at a minimum, obtain one of the following:

a. A fuel analysis of the Btu value, moisture, ash and sulfur content (% by weight), conducted on a representative sample of each shipment received.

b. Written certification from the fuel supplier, which certifies the Btu value, moisture, ash and sulfur content (% by weight) for each shipment delivered to the facility.

7. General Electric shall compile and submit a semi-annual compliance certification report to the Department

within 30 days of the end of each semiannual period for all coal shipments received during the preceding 6 months. This report shall clearly identify the average sulfur content (% by weight) and the average Btu value of the fuel for the reporting period.

8. A NO_x, SO_x and opacity continuous emission monitoring system (CEMS) for the combined stack for the three boilers (1, 5 and 9) shall be operated and maintained in accordance with 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual and be approval by the Department.

9. CEMS reports shall be submitted to the Department within 30 days after each calendar quarter, but no later than the time frame established in the Department's latest "Continuous Source Monitoring Manual."

10. General Electric shall perform a daily operational inspection of the control device for each boiler.

11. General Electric shall operate the control devices at all times the sources are in operation.

12. The sources and control devices shall be maintained and operated in accordance with the manufacturer's specifications, in accordance with good air pollution control practices or in accordance with good engineering practices.

13. General Electric shall maintain a record of all scheduled preventative maintenance inspection of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

14. General Electric shall record the fuel characteristics, data source and analysis date of each coal shipment and shall maintain all of the testing results and/or certifications for at least 5 years from the testing or certification date.

15. General Electric shall maintain records as follows:

a. The Company shall maintain records to demonstrate compliance with 25 Pa. Code §§ 129.91—129.94.

b. The records shall provide sufficient data and calculations to clearly demonstrate that the requirements of 25 Pa. Code §§ 129.91—129.94 are met.

c. Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

d. The records shall be retained for at least 5 years and shall be made available to the Department on request.

16. General Electric is granted the remaining 280.9 tpy of NO_x and 1.7 tpy of VOC emission reduction credits (ERCs) after new source review (NSR) applicability. These ERCs are generated from the shutdown of boiler #2. Boiler #2 was shut down on December 13, 2001. General Electric generated a total of 624.9 ton of NO_x and 1.7 ton of VOC ERCs with the shutdown of boiler #2. Subsequently, General Electric utilized 344 ton of NO_x credits to net out of 25 Pa. Code Chapter 127, Subchapter E.

17. Under the provisions of 25 Pa. Code § 127.206(f), the ERCs generated in this approval shall expire if not consumed within 10 years from the source shutdown date as shown in condition #16.

18. General Electric and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code §§ 127.206—127.208 regarding ERC use and transfer requirements.

19. These ERCs may be used, traded or sold after the approved entry of the ERCs by the Department into the Pennsylvania ERC Registry System.

20. The #2 boiler (Babcock & Wilcox, 420 mmBtu/hr) shall remain permanently shutdown. If the company plans to bring the shutdown source back into production, the company shall submit an appropriate plan approval application. Any subsequent emissions from the shutdown source shall comply with NSR regulations in 25 Pa. Code Chapter 127, Subchapter E.

21. Under the provisions of 25 Pa. Code § 127.207(7), if the ERC generating source has not been dismantled or removed, the company must submit to the Department on an annual basis the verification of the continuance of the shutdown.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the best available technology for the source.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

21-05001: Lear Operations Corp. formerly Lear East LP (50 Spring Road, Carlisle, PA 17013) for amendment of the facility's Title V Operating Permit No. 21-05001 to incorporate the change of company name for the Carlisle facility in the Borough of Carlisle, **Cumberland County**. The facility's major sources of emissions include two boilers, three carpet dryers and other sources, which primarily emit NO_x and PM.

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

62-00151: CB and I Water (1420 Lexington Avenue, Warren, PA 16365) in Warren, **Warren County**. The facility's air emission sources are several natural gas-fired heaters, a stress-relief furnace, steel fabrication, abrasive blasting, surface coating and several degreasers.

43-00287: Jones Performance Products, Inc.—West Middlesex Plant (No. 1 Jones Way, P. O. Box 808, West Middlesex, PA 16159) for operation of a reinforced plastic manufacturing facility in West Middlesex Borough, **Mercer County**.

37-00264: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) in New Castle City, **Lawrence County**. The facility's air emission sources are four natural gas-fired boilers, several miscellaneous natural gas-fired heaters, electric arc furnace, six natural gas-fired anneal furnaces, two natural gas-fired ladle preheaters, natural gas-fired EAF preheater, scrap torching, scrap handling, vacuum degasser, teeming and gas cutter.

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

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

09-00104: Daniel C. Tanney Co., Inc. (3268 Clive Avenue, Bensalem, PA 19020) for operation of a paint burn off oven in Bensalem, **Bucks County**. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00091: Columbia Lighting Co. (Route 13 and Beaver Street, Bristol, PA 19007) for operation of an incinerator, burn off oven and manufacturing process in Bristol, **Bucks County**. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-03043: Wilbur Chocolate Co., Inc. (48 North Broad Street, Lititz, PA 17543) for operation of a candy coating facility at their distribution center in Lititz Borough, **Lancaster County**. There is a potential to emit less than 1 ton per year each of PM and SO_x and less than 6 tons per year each of CO and NO_x. The Natural Minor Operating Permit shall contain standard recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

26-00488: Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507) for operation of a crushing and screening plant at the Wymps Gap Quarry/Lake Lynn Quarry in Springhill Township, **Fayette County**.

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

10-00038: Winfield Lime and Stone Co., Inc. (1295 Winfield Road, Cabot, PA 16023) for operation of a limestone crushing plant and production of agricultural lime in Winfield Township, **Butler County**.

43-00324: John Flynn Funeral Home, Inc. (2630 East State Street, Hermitage, PA 16148) for operation of a human crematory in the City of Hermitage, **Mercer County**.

PUBLIC HEARINGS

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

25-0025: General Electric Transportation Systems (2901 East Lake Road, Erie, PA 16531) to accept testimony concerning the Department's decision to approve, with conditions, the Reasonably Available Control Technology (RACT) plan by General Electric Transportation Systems in Erie, **Erie County** to meet the requirements under 25 Pa. Code §§ 129.91—129.95, concerning the emissions of NO_x and VOCs from the boiler house. The final RACT proposal will be submitted to the EPA as a revision to the Commonwealth's State Implementation Plan.

The public hearing will be conducted on August 14, 2002, at 1 p.m. in the Air Quality Conference Room, Department of Environmental Protection Regional Office Building, 230 Chestnut Street, Meadville, PA.

The facility currently has a Title V Operating Permit No. 25-00025. This RACT determination will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approval for the boiler house to comply with current regulations.

Persons wishing to present testimony at the hearing should contact Lori McNabb at the previous address or telephone number at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above 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, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES

permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

Coal Applications Received

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

17020901 and NPDES Permit No. PA0243256. Johnson Brothers Coal Company, R. D. 1, Box 580, Mahaffey, PA 15757. Commencement, operation and restoration of an incidental coal extraction permit in Penn Township, **Clearfield County**, affecting 15.4 acres. Receiving stream: unnamed tributary to Kratzer Run. Application received June 3, 2002.

17020106 and NPDES Permit No. PA0243264. Moravian Run Reclamation Co., Inc., 605 Sheridan Drive, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine-auger permit in Girard Township, **Clearfield County**, affecting 155 acres. Receiving streams: Deer Creek, unnamed tributaries to Deer Creek and unnamed tributary to Bald Hill Run, all classified as CWF. Application received June 18, 2002.

17000102 and NPDES Permit No. PA0242888. Northern Son, Inc., R. R. 6, Box 231, Kittanning, PA 16201. Transfer of an existing bituminous surface mine-auger permit from Johnson Brothers Coal Company. The permit is located in Bell Township, **Clearfield County**, and affects 131.3 acres. Receiving streams: unnamed tributaries of Whiskey Run to Whiskey Run and unnamed tributaries of South Branch Bear Run to South Branch Bear Run, both to West Branch Susquehanna River. Application received June 5, 2002.

17000111 and NPDES Permit No. PA0219894. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16830. Major revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 164.4 to 169.2 acres. The permit is located in Beccarria Township, **Clearfield County**. Receiving streams: Muddy Run and unnamed tributaries to Muddy Run classified as CWF. Application received June 14, 2002.

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

63860110 and NPDES No. PA0589136. Raccoon Coal Company (200 Neville Road, Pittsburgh, PA 15225). Revision received to request mining within 100 feet of SR 4009 on a bituminous surface mine located in Robinson Township, **Washington County**, affecting 187.9 acres. Receiving stream: unnamed tributary to Little Raccoon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 26, 2002.

03910113 and NPDES No. PA0203459. Walter L. Houser Coal Co., Inc. (13448 SR 422, Kittanning, PA 16201). Renewal application for reclamation only received for a bituminous surface auger mine in Valley Township, **Armstrong County**, affecting 106.1 acres. Receiving streams: two unnamed tributaries to Cowanshannock Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received June 28, 2002.

65840119 and NPDES No. PA0601047. Derry Stone & Lime Co., Inc. (R. R. 5, Box 34, Latrobe, PA 15650). Renewal application received for continued mining of a bituminous surface auger mine with limestone removal and portable stone crusher in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributaries to Stony Run and McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 28, 2002.

65970103 and NPDES No. PA0201898. Derry Stone & Lime Co., Inc. (R. R. 5, Box 34, Latrobe, PA 15650). Renewal application received for continued mining of a bituminous surface mine with a limestone quarry in Derry Township, **Westmoreland County**, affecting 105.0 acres. Receiving streams: unnamed tributary to Stony Creek to McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 1, 2002.

26870107 and NPDES No. PA0589802. Durant Excavating Company (18 North Ross Street, Masontown, PA 15461). Renewal application received for continued mining of a bituminous surface mine in Nicholson Township, **Fayette County**, affecting 82.0 acres. Receiving streams: unnamed tributaries to Jacobs Creek to the Monongahela River, classified for the following use: WWF, N. The first downstream potable water supply intake from the point of discharge is Albert Gallatin Municipal Authority. Application received July 1, 2002.

03010108 and NPDES Permit No. PA0250171. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Received an application for commencement, operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**, affecting 126.3 acres. Receiving streams: unnamed tributaries to Glade Run and Glade Run to Allegheny River, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 24, 2002.

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

56020103 and NPDES Permit No. PA0249238. Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15950). Commencement, operation, restoration of a bituminous surface and auger mine and for treated mine drainage in Jenner Township, **Somerset County**, affecting 172.7 acres. Receiving streams: unnamed tributaries to Spruce Run and Spruce Run. No discharge; unnamed tributary to Beam Run and Beam Run to North Branch of Quemahoning Creek to Stony Creek River to the Conemaugh River classified for the following uses: HQ-CWF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 24, 2002.

56930104 and NPDES Permit No. PA0212415. Future Industries, Inc. (P. O. Box 157, Meyersdale, PA

15552). Permit revision to add auger mining in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2002.

Noncoal Applications Received

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

59020302 and NPDES Permit No. PA0243272. Fred J. Robbins, R. R. 2, Box 25A, Tioga, PA 16946. Commencement, operation and restoration of a large industrial mineral (gravel)—stream encroachment permit in Lawrence Township, **Tioga County**, affecting 17.02 acres. Receiving streams: Mutton Lane Creek to Tioga River. Application received June 21, 2002.

08020806. Strong Excavating, R. R. 2, Box 446N, Sayre, PA 18840. Commencement, operation and restoration of a small industrial mineral (shale) permit in Ridgebury Township, **Bradford County**, affecting 1.5 acres. Receiving stream: tributary to Bentley Creek. Application received June 4, 2002.

14022802. Mark Soster, 205 W. Sycamore Street, Snow Shoe, PA 16874. Commencement, operation and restoration of a small industrial mineral (field stone) permit in Liberty Township, **Centre County**, affecting 5 acres. Receiving streams: tributary to Bald Eagle Creek. Application received June 10, 2002.

14022803. Mark Soster, 205 W. Sycamore Street, Snow Shoe, PA 16874. Commencement, operation and restoration of a small industrial mineral (field stone) permit in Liberty Township, **Centre County**, affecting 5 acres. Receiving stream: tributary to Bald Eagle Creek. Application received June 10, 2002.

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

3572SM17 and NPDES No. PA0202649. Manor Minerals, Inc. (265 South Jefferson Street, Kittanning, PA 16201). Renewal application to continue mining in Burrell Township, **Armstrong County**, affecting 31.5 acres. Receiving stream: Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 1, 2002.

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

37020304. IA Construction Corporation (P. O. Box 8, Concordville, PA 19331). Commencement, operation and restoration of a sand and gravel operation in Plain Grove Township, **Lawrence County**, affecting 40.5 acres. Receiving streams: unnamed tributaries to Jamison Run, classified for the following uses: Statewide water uses: CWF. No public water supply intakes are within 10 miles downstream of this proposed operation. Application to include a land use change from forestland to wildlife habitat on lands of the Game Commission. Application received June 24, 2002.

61930301 and NPDES Permit No. PA 0211729. Cooperstown Sand & Gravel (P. O. Box 4, Cooperstown, PA 16317). Revision to an existing sandstone

operation in Jackson Township, **Venango County**, affecting 13.1 acres. Receiving stream: Wolf Run, classified for the following uses: Statewide water uses: CWF. No public water supply intakes are within 10 miles downstream of this proposed operation. Revision to add 1.6 acres to the permit area. Application received July 2, 2002.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 467-101.1, Cherry Valley Borough, Butler County, 4 acres.

Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. on August 12, 2002, to be considered. Telephone inquiries shall be directed to Chuck Siders, Division of Mine Hazards at (717) 783-0474.

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, 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.

E48-326. Hercules Cement Company, L. P., P. O. Box 69, Stockertown, PA 18083-0069, in Stockertown Borough, Palmer Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To enhance approximately 4,000 L.F. of Bushkill Creek (HQ-CWF) by sealing sink holes and fractures in the bedrock along the stream channel. The project involves the installation of a geomembrane liner system and re-establishment of a natural channel in an effort to restore stream flow to the creek by preventing exfiltration into the adjacent quarry pits. The project is located at Hercules Cement property southwest of the intersection of SR 0033 and SR 0191 (Windgap, PA Quadrangle N: 0.5 inch; W: 3.3 inches).

E45-433. Chestnut Hill Township, Municipal Building, P. O. Box 243, Brodheadsville, PA 18322, in Chestnut Hill Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain a bridge having a single span of approximately 12 feet and underclearance of 6.5 feet across Sugar Hollow Creek (HQ-CWF). The project is located along Warner Road, just east of Sugar Hollow Road (Brodheadsville, PA Quadrangle N: 16.7 inches; W: 7.3 inches).

E45-434. Brodhead Waterhead Association, P. O. Box 339, Henryville, PA 18332, in Stroudsburg Borough, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream bank restoration and riparian buffer project along a 600 L.F. section of Pocono Creek (HQ-CWF). The project is located behind Stroudsburg High School, just south of North Ninth Street (Stroudsburg, PA Quadrangle N: 20.0 inches; W: 10.5 inches).

E48-327. Thomas G. Macarro, 3633 Drifting Drive, Hellertown, PA 18055, in Lower Saucon Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in 0.07 acre of PEM wetlands for the purpose of constructing a road crossing consisting of approximately 200 L.F. of 48 inch diameter RCP and roadway embankment to serve as an access for a proposed residential development known as Clover View Estates. The project is located on the eastern side of Township Road T390 (Drifting Drive), just south of its intersection with Wassergass Road (Hellertown, PA Quadrangle N: 5.0 inches; W: 2.0 inches).

E45-432. Polk Township, P. O. Box 137, Kresgeville, PA 18333-0137, in Polk Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To maintain a 60-inch diameter CMP culvert in a tributary to Pohopoco Creek (HQ-CWF). The project is located along Township Road T413 (Serfass Road), ap-

proximately 0.15 mile east of SR 3007 (Berger Hollow Road) (Brodheadsville, PA Quadrangle N: 7.7 inches; W: 12.4 inches).

E45-431. Polk Township, P. O. Box 137, Kresgeville, PA 18333-0137, in Polk Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain an open-bottom aluminum box culvert having a span of 13.6 feet and an underclearance of 2.7 feet in Middle Creek (HQ-CWF). The project is located along Township Road T444 (Upper Middle Creek Road), just south of T437 (Barry Road) (Brodheadsville, PA Quadrangle N: 13.6 inches; W: 16.8 inches).

E54-297. Robert G. Geier, 95 Spruce Street, Pine Grove, PA 17963-1428, in Pine Grove Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 12-foot by 16-foot storage shed in the floodway of Swatara Creek (CWF). The project is located northeast of the intersection of Spruce and Mill Streets (Pine Grove, PA Quadrangle N: 9.0 inches; W: 0.8 inch).

E48-325. Hanover Township, 3630 Jacksonville Road, Bethlehem, PA 18017-9303, in Hanover Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream enclosure consisting of three 10-foot by 4-foot concrete box culverts having a length of approximately 350 feet in a tributary to Monocacy Creek (HQ-CWF). The project is located on property owned by the Aspen Inn, southwest of the intersection of Stoke Park Road and SR 0512 (Catasauqua, PA Quadrangle N: 6.5 inches; W: 1.2 inches).

E64-232. Jerry Johnson, 916 Albemarle Road, Brooklyn, NY 11218-2708, in Damascus Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing single-family residence in the floodway of the Delaware River (WWF). The structure will be extended by approximately 28 feet to the north, with the addition supported on concrete piers, and approximately 4 feet to the south. New deck areas will be constructed on the west side (approximately 4 feet by 13 feet) and the east side (approximately 7 feet by 13 feet). The project is located along Tammany Flats Road (Callicoon, NY-PA Quadrangle N: 0.3 inch; W: 7.5 inches).

E40-604. Walter and Rhoda Kuharchik, 504 Susquehanna Avenue, West Pittston, PA 18643, in West Pittston Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To authorize grading that was performed within a 0.28 acre area in the floodway of the Susquehanna River (WWF). The purpose of the project was to lessen the steepness of the slope to enhance safety. The project is located along the west bank, approximately 0.4 mile north of the SR 0011 bridge across the Susquehanna River (Pittston, PA Quadrangle N: 15.2 inches; W: 6.1 inches).

E13-133. Franklin Township, 900 Fairyland Road, Lehighton, PA 18235, in Franklin Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a sewage pump station in the floodway of a tributary to Pohopoco Creek (CWF) and to construct and maintain a 6-inch sanitary force main

and an 8-inch sanitary gravity main, running parallel, across a tributary and adjacent wetlands. The project is located on the south side of Main Road approximately 0.10 mile northwest of its intersection with SR 0209 (Leighton, PA Quadrangle N: 16.3 inches; W: 7.1 inches).

E39-414. Theodore and K. Gail Phillips, 3501 Main Road East, Emmaus, PA 18049, in Upper Milford Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8-foot by 14-foot residential house expansion in the floodway of Leibert Creek (HQ-CWF). The project is located approximately 0.4 mile northeast of the intersection of SR 2027 and SR 2023 (Main Road) (Allentown East, PA Quadrangle N: 1.8 inches; W: 16.0 inches).

E13-134. Raymond R. Vees, P. O. Box 102, Fountainville, PA 18923-0102, in Towamensing Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 48-inch elliptical culvert across Hunter Creek (CWF) for the purpose of providing access to a residential house. The project is located approximately 260 feet west of the intersection of Spruce Hollow Road and Beers Lane (Palmerton, PA Quadrangle N: 20.6 inches; W: 6.0 inches).

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

E01-235. Dennis Bishop, 980 New Road, Ortanna, PA 17320 in Hamiltonban Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 12-foot by 18-foot residential dwelling addition in the floodway of Middle Creek (HQ-CWF). The site is located on Mount Hope approximately 3.0 miles from the intersection of Mount Hope and Carrolls Tract Roads (Iron Springs, PA Quadrangle N: 9.45 inches; W: 4.9 inches) in Hamiltonban Township, Adams County.

E06-572. James Lewars, Historical and Museum Commission, 400 Daniel Boone Road, Birdsboro, PA 19508 in Birdsboro Borough, **Berks County**, ACOE Philadelphia District.

To construct and maintain a single span premanufactured steel pedestrian bridge, with cast in place concrete abutments, approximately 47 feet in length across an unnamed tributary to Owatin Creek (WWF) at a point within the Daniel Boone Homestead (Birdsboro, PA Quadrangle N: 8.1 inches; W: 6.3 inches) in Exeter Township, Berks County.

E06-573. National Properties Incorporated, 31 General Warren Blvd., Malvern, PA 19335 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a series of retaining walls within 0.1 acre of wetlands tributary to Antietam Creek (CWF) at a point within the Eastwick at Exeter Apartment Community (Birdsboro, PA Quadrangle N: 8.5 inches, W: 14.25 inches) in Exeter Township, **Berks County**. The permittee is required to provide a minimum of 0.2 acre of replacement wetlands.

E07-360. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110 in Catharine Township, **Blair County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a crossing consisting of twin 103-inch by 71-inch corrugated metal pipe arches in the channel of Canoe

Creek (HQ-CWF) at a point approximately 6.9 inches upstream of Route 22 (Spruce Creek, PA Quadrangle N: 10.7 inches; W: 12.6 inches) in Catherine Township, Blair County.

E21-342. William Cook, Silver Spring Township, 6475 Carlisle Pike, Mechanicsburg, PA 17050 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing single span bridge and to construct and maintain a single span 24.0-foot long reinforced concrete box culvert having a normal clear span of 12.0-feet and a rise of 3.8-feet in Hogestown Run (CWF) located on Woods Drive about 0.7 mile southeast of its intersection with US Route 11 (Mechanicsburg, PA Quadrangle N: 19.5 inches; W: 5.8 inches) in Silver Spring Township, Cumberland County.

E22-441. Michael Sedor, Colonial Country Club, 4901 Linglestown Road, Harrisburg, PA 17112 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove an existing footbridge and to place fill in the floodway of an unnamed tributary to Paxton Creek (WWF) locally known as Goose Valley Run for the purpose of reconstructing the greens for golf holes 4, 5 and 13 located about 500 feet downstream of Colonial Club Road on the Colonial Country Club golf course (Harrisburg, PA Quadrangle N: 15.5; W: 8.3 inches) in Lower Paxton Township, Dauphin County.

E28-301. Nicholas Kalathas, 2004 Philadelphia Avenue, Chambersburg, PA 17201 in Greene Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain 400-feet of riprap bank stabilization along the Conococheague Creek (CWF) just upstream of the Route 11 bridge (Chambersburg, PA Quadrangle N: 15.5 inches; W: 2.0 inches) in Greene Township, Franklin County.

E28-304. Thomas Englerth, Dennis E. Black Engineering Inc., 2400 Philadelphia Ave., Chambersburg, PA 17201 in Greene Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain 90 feet at riprap bank stabilization along the Conococheague Creek (CWF) located upstream of Route 11 bridge (Chambersburg, PA Quadrangle N: 15.5 inches; W: 1.85 inches) in Greene Township, Franklin County.

E36-738. Michael Stark, Columbia Downtown Development Corporation, P. O. Box 207, Columbia, PA 17512 in Columbia Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project approximately 750 feet within Shawnee Run (WWF) for the purpose of: stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream design approach consisting of: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes, J-hooks and willow fascines to be located at a point or points within the 400 block of Mill Street (Columbia East, PA Quadrangle N: 5.75 inches; W: 16.25 inches) in Columbia Borough, Lancaster County.

E67-687. Orchard Hills Real Estate, Inc., 450 Spangler Road, Oxford, PA 17350 in Springettsbury and Hellam Townships, **York County**, ACOE Baltimore District.

To construct and maintain: (1) a 30-inch reinforced concrete pipe crossing having a length of 280 feet and (2) a 12-inch reinforced concrete pipe crossing having a length of 295 feet in an unnamed tributary to Kreutz Creek (WWF) located on an 81 acre parcel at the corner of SR 2006 and SR 2013 called Orchard Hills (York, PA Quadrangle N: 18.3 inches; W: 0.2 inch and Red Lion, PA Quadrangle N: 18.3 inches W: 17.3 inches) in Springettsbury and Hellam Townships, York County. The amount of wetland impact is considered a de minimis impact of 0.099 acre and wetland mitigation is not required.

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

E08-395. Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. Improvement Project Central Bradford County Traffic in Towanda Borough, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 3.3 inches; W: 9.1 inches).

To construct and maintain the following activities at the following locations:

<i>Regulated Activity No.</i>	<i>Type of Activity</i>	<i>Station No.</i>	<i>Description of Impact</i>
1	Permanent	136+40 to 172+50	Stream encroachment—fill covers 3,600 ft ² /43,200 m ² (1,097 m/4013 m ²) of stream bank along the perennial WWF Susquehanna River for construction of stabilized slope.
2	Permanent	136+40 to 172+50	Floodway encroachment of the 100-year floodplain—148,285 ft ² (3.40 acres) or 13,774 m ² (1.38 ha) of floodway filled by construction of stabilized slope.
3	Permanent	146+00	Stream relocation—310 ft/930 ft ² (94 m/86 m ²) of intermittent WWF stream (Mix Run). Mix Run culvert and headwall to be relocated 30 feet upstream resulting in improved alignment over existing. The section of Mix Run to be relocated is currently conveyed through an enclosed culvert system.
4	Permanent	156+70	Stream enclosure (culvert extension)—30 ft/90 ft ² (9 m/8 m ²) to intermittent WWF stream.

The proposed project will also include the following temporary impacted activity.

<i>Regulated Activity No.</i>	<i>Type of Activity</i>	<i>Station No.</i>	<i>Description of Impact</i>
2	Temporary	136+40 to 172+50	Stream encroachment—260,383 ft ² (5.98 acres) or 24,190 m ² (2.42 ha)—cofferdam footprint for construction of stabilized slope. An existing access road in the vicinity of Mix Run will be utilized to access the cofferdam and construction area.

The project will impact approximately 0.99 acre of riverine wetlands while impacting approximately 3,940 feet of waterway. The Susquehanna River, Mix Run and an unnamed tributary to the Susquehanna River are warm water fisheries streams.

E14-426. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. Bridge replacement in Penn Township, **Centre County**, ACOE Baltimore District (Seven Springs, PA Quadrangle N: 14.4 inches; W: 9.0 inches).

To remove the existing steel I-beam bridge with timber deck which is on a 90 degree skew and has a clear opening between the stone masonry abutments of 26 feet, a curb-to-curb width of 18.5 feet and an average inlet underclearance of 21 feet and to construct and maintain a single-span sawn southern pine A-frame truss with southern pine glulam deck and stringers and a weathering steel floor beam with a normal clear span of 30 feet, an average inlet underclearance of 7.3 feet and a curb-to-curb width of 18 feet on a horizontal and vertical alignment similar to existing conditions on Big Poe Road over Big Poe Creek at the intersection of Little Poe Pond with Big Poe Road and to construct a temporary upstream stream crossing consisting of four 36-inch diameter corrugated metal pipes and a temporary diversion dike system in Penn Township, Centre County. The

project will permanently impact 523 square feet of wetlands while impacting 150 feet of stream channel. Big Poe Creek is a HQ-CWF.

E18-334. William Dittmar, P. O. Box 308, West Milton, PA 17886. Dittmar Water Co. tract in Lamar Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 14.32 inches; W: 1.65 inches).

To construct and maintain a 6-foot diameter by 40-foot long culvert and the associated clean earthen approach fill in an unnamed tributary to Fishing Creek for timber harvesting access located 2 miles southwest of SR 64 from the Bald Eagle Mountain/SR 64 gap. The project proposes to permanently impact 40 linear feet of Cold Stream that is classified as a HQ-CWF.

E18-344. Clinton County Commissioners, Garden Building, 232 East Main Street, Lock Haven, PA, 17745. Clinton County Conservation District Dry Hydrant Project in Logan, Green, Crawford, Lamar and Porter Townships, **Clinton County**, ACOE Baltimore District.

Hydrant #	PA Quadrangle	North (inches)	West (inches)
DH-1	Beech Creek	2.9	4.3
DH-2	Millheim	21.6	6.5
DH-3	Mill Hall	1.0	1.6
DH-4	Carrall	7.2	13.0
DH-5	Carrall	14.3	7.6
DH-6	Mill Hall	10.4	12.9
DH-7	Mill Hall	15.7	12.9
DH-8	Beech Creek	10.1	2.2

To construct and maintain eight dry hydrants within the Fishing Creek Watershed for improved rural fire protection (hydrant installation and maintenance will be the responsibility of the local townships, with assistance from the local fire departments): DH-1 is located on the Nittany Water Company property along TR 341 Spring Run Road at the spring in Lamar in Porter Township. This is the only replacement dry hydrant for the project; DH-2 is located on the Jeff Breon property along Summer Mountain Road at the eastern edge of Tylersville in Logan Township located at the northwestern corner of the bridge over Fishing Creek; DH-3 is located on the Edith Muthler property on Logan Mills Road in Logan Township located on the southwest corner of the bridge with no disturbance planned to the Logan Mills Covered bridge; DH-4 is located on the Donnell Jefferies property on Winter Road in Greene Township located on the northwest abutment near the bridge over Fishing Creek; DH-5 is located at Shaffer Pond on 4th Gap Road in Crawford Township located along the southern edge of the pond near the township line; DH-6 is located on Keystone Central School District property near the intersection of Duck Run Road and Mackeyville Road in Lamar Township located near the southwest corner of the Hump Bridge; DH-7 is located on the Hanson Aggregates property off SR 477 in Lamar Township located on the southwest corner of Hanson's bridge over Long Run; DH-8 is located on the Cedar Springs Trout Hatchery property along Jacksonville Road in Porter Township located at the southeastern corner of the hatchery access road over Cedar Run. There are no wetlands within any of these project areas. This project proposes to permanently impact 16 linear feet of the HQ-CWF of the Fishing Creek Watershed.

E53-373. Maxton Gas Corporation, R. R. 1, Box 364, Shinglehouse, PA 16748. Maxton Gas Corporation production and supply lines in Sharon Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 10.25 inches; W: 0.25 inch).

To construct, operate and maintain 2,500 linear feet of gas production and transmission lines crossing Walman Nichlos Hollow Run and wetlands associated to the same waterway and Wildcat Creek for the transmission of natural gas. Since Walman Nichlos Hollow Run and Wildcat Creek are wild trout streams, no gas line maintenance work will be conducted in or along the stream channels between October 1 and April 1 without the prior written authorization from the Fish and Boat Commission. Any excavations for maintenance of the gas transmission lines through the wetlands and waterways shall be completed with rubber tire equipment. The project is located along the western right-of-way of SR 0044 approximately 1.1 miles north of SR 0044 and T-329 intersection.

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

E03-409. Worthington Borough, P. O. Box 103, Worthington, PA 16262. Worthington Borough, **Armstrong County**, ACOE Pittsburgh District.

To construct and maintain bank stabilization consisting of a gabion wall and rock rip rap along Claypoole Run (HQ-CWF) for a length of approximately 1,240 linear feet for the purpose of eliminating bank erosion. The project is located along SR 422 (Worthington, PA Quadrangle N: 15.6 inches; W: 0.8 inch).

E32-443. Green Township Supervisors, 1492 Route 240 Highway, Commodore, PA 15729. Green Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure known as Bakers Run Bridge and to construct and maintain a bridge having a normal clear span of 44.5 feet and an underclearance of 6.5 feet across Two Lick Creek South Branch (HQ-CWF). Also, to place and maintain fill in 0.02 acre of palustrine forested wetland with de minimis impact. The structure is located on T-916 approximately 1,500 feet north of SR 580 (Commodore, PA Quadrangle N: 8.7 inches; W: 2.8 inches).

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 has taken the following actions on previously received permit applications and requests for plan approval.

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 (35 P. S. §§ 691.1—691.1001).

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

NPDES Permit No. PA0011282, Industrial Waste, **Pennsylvania Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Springfield Township, **Delaware County**.

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

NPDES Permit No. PA0026298, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into Schuylkill River—3F Wissahickon.

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

NPDES Permit No. PA0036463, Industrial Waste, **OMNOVA Solutions, Inc.**, 175 Ghent Road, Fairlawn, OH 44373. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: renewal of NPDES Permit to discharge industrial wastewater into wet weather channel of Schuylkill River.

NPDES Permit No. PA0046353-A1, Sewage, **Waymart Area Authority**, P. O. Box 3300, Waymart, PA 18472. This proposed facility is located in Waymart Borough, **Wayne County**.

Description of Proposed Action/Activity: to amend NPDES Permit from flow of .21 MGD to .715 MGD into Van Auken Creek.

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

NPDES Permit No. PA0083721 Amendment No. 1, Sewage, **Jacob L. Miller, Jr., Paradise Mobile Home Park**, 1124 Lake Road, Spring Grove, PA 17362-8813. This proposed facility is located in Paradise Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Beaver Creek in Watershed 7-F.

NPDES Permit No. PA0084646, Sewage, **Southern Fulton School District, Southern Fulton Elementary School**, 13083 Buck Valley Road, Warfordsburg, PA 17267. This proposed facility is located in Bethel Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility to an unnamed tributary to White Oak Run in Watershed 13-B.

NPDES Permit No. PA0246522 and WQM Permit No. 0501410, Sewage, **Richard Wright**, 999 Hayman Place, Los Altos, CA 94024. This proposed facility is located in Liberty Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for discharge to Raystown Branch of the Juniata River and construction/operation of sewage treatment facilities to serve Heritage Cove Campground in Watershed 11-D.

WQM Permit No. 0102405, Sewerage, **Adams County Board of Commissioners**, 111-117 Baltimore Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewers and appurtenances and pump station.

WQM Permit No. 2202402, Sewerage, **Borough of Penbrook**, 150 South 28th Street, Harrisburg, PA 17103. This proposed facility is located in Susquehanna Township and Paxtang Borough, **Dauphin County**.

Description of Proposed Action/Activity: Approval of the construction/operation of sewers and appurtenances.

WQM Permit No. 6702401, Sewerage, **Jacob L. Miller, Paradise Mobile Home Park**, 1124 Lake Road, Spring Grove, PA 17362-8813. This proposed facility is located in Paradise Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities.

WQM Permit No. 6772405 Amendment No. 02-1, Sewerage, **Borough of Wellsville Municipal Authority**, 299 Main Street, Wellsville, PA 17365. This proposed facility is located in Warrington Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewers and appurtenances and pump station.

WQM Permit No. 2269201, Industrial Waste, **Susquehanna Area Airport Authority**, 208 Airport Drive, Middletown, PA 17057. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of impoundment and liner system and industrial waste treatment facilities.

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

PAS604801, Industrial Stormwater SIC 5015, **Abramson Auto Wrecking**, 3149 Nittany Valley Drive, Howard, PA 16841. This existing facility is located in Walker Township, **Centre County**.

Description of Proposed Activity: This action is for issuance of a NPDES permit for an existing discharge of industrial stormwater.

WQM Permit No. 0802402, Sewerage SIC 4952, **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810-1701. This existing facility is located in Athens Borough, **Bradford County**.

Description of Proposed Action/Activity: Issuance of permit for renovation of a sewage plant.

PAS204801, Industrial Stormwater SIC 3399, **GKN Sinter Metals, Inc.**, R. R. 2 Box 47, Emporium, PA 15834. This existing facility is located in Emporium Borough, **Cameron County**.

Description of Proposed Activity: This action is for issuance of a NPDES permit for an existing discharge of industrial stormwater.

WQM Permit No. 4101410, Sewerage SIC 4952, **Department of Conservation and Natural Resources**, 7th Floor, Rachel Carson State Office Building, P. O. Box 8767, Harrisburg, PA 17105-8767. This proposed facility is located in Cummings Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of sanitary sewers, three pumping stations, a sand filter STP and spray irrigation disposal to serve Little Pine State Park.

PAS224801, Industrial Stormwater SIC 2421, **Patterson Lumber Co., Inc.**, P. O. Box 57, Wellsboro, PA 16901. This existing facility is located in West Branch Township, **Potter County**.

Description of Proposed Activity: This action is for issuance of a NPDES permit for an existing discharge of industrial stormwater.

WQM Permit No. 4902401, Sewerage SIC 4952, **David A. Dyer**, R. R. 1, Box 359, Watsontown, PA 17777. This proposed facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit for small flow treatment facility to serve a single residence.

WQM Permit No. 1402402, Sewerage 4952, **Jacqueline M. Zeigler**, 121 Kennel Lane, Port Matilda, PA 16870. This facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: Single residence wastewater treatment facilities.

WQM Permit No. 5902405, Sewerage 4952, **EMC Mortgage, Inc.**, P. O. Box 141358, Irving, TX 75014. This proposed facility is located in Osceola Township, **Tioga County**.

Description of Proposed Action/Activity: This is an application for a SFTF serving a residence.

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

NPDES Permit No. PA0006297, Industrial, **Menasha Packaging Company, LLC**, Route 70, P. O. Box 418, Yukon, PA 15698-0418 is authorized to discharge from a facility located at the Yukon Plant, Sewickley Township, **Westmoreland County** to receiving waters named Sewickley Creek.

NPDES Permit No. PA0023701, Sewerage, **Midland Borough Municipal Authority**, 10th Street and Railroad Avenue, Midland, PA 15059 is authorized to discharge from a facility located at the Midland Borough Municipal Authority STP, Midland Borough, **Beaver County** to receiving waters named Ohio River.

NPDES Permit No. PA0027456, Sewerage, **Greater Greensburg Sewage Authority**, P. O. Box 248, Greensburg, PA 15601-0248 is authorized to discharge from a facility located at Greater Greensburg STP, Hempfield Township, **Westmoreland County** to receiving waters named Jacks Run.

NPDES Permit No. PA0031844, Sewerage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690 is authorized to discharge from a facility located at North Washington Elementary School STP, Washington Township, **Westmoreland County** to receiving waters named unnamed tributary of Pine Run.

NPDES Permit No. PA0041238, Sewerage, **Meyersdale-Summit Park Recreation Commission**, P. O. Box 194, Meyersdale, PA 15552-0194 is authorized to discharge from a facility located at Maple Valley Park Sewage Treatment Plant, Summit Township, **Somerset County** to receiving waters named Blue Lick Creek.

NPDES Permit No. PA0043729, Sewerage, **Hampton Township Sanitary Authority**, 3101 McCully Road, Allison Park, PA 15101 is authorized to discharge from a

facility located at Allison Park STP, Hampton Township, **Allegheny County** to receiving waters named Pine Creek.

NPDES Permit No. PA0096067, Sewerage, **Mt. Pleasant Area School District**, R. D. 4, Box 2222, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Westmoreland Homesteads STP, Mt. Pleasant Township, **Westmoreland County** to receiving waters named Sewickley Creek.

NPDES Permit No. PA0097594, Sewerage, **Ron Davidson Chevrolet**, 3885 Admiral Perry Highway, Ebensburg, PA 15931 is authorized to discharge from a facility located at the Ron Davidson Chevrolet STP, Cambria Township, **Cambria County** to receiving waters named unnamed tributary of Stewart Run.

NPDES Permit No. PA0098434, Sewerage, **Pennsylvania Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060 is authorized to discharge from a facility located at PennDOT Welcome Center Sewage Treatment Plant, Whiteley Township, **Greene County** to receiving waters named unnamed tributary of Whiteley Creek.

NPDES Permit No. PA0216402-A1, Sewerage, **Dana Mining Company of PA, Inc.**, P. O. Box 1209, Morgantown, WV 26507 is authorized to discharge from a facility located at Warwick No. 3 Mine, Portal No. 3 STP, Dunkard Township, **Greene County** to receiving waters named tributary of Dunkard Creek.

Permit No. 2602201, Industrial Waste, **Duke Energy North America**, 5400 Westheimer Court, Houston, TX 77056-5310. Construction of 620-W Combined Cycle Power Plant located in German Township, **Fayette County** to serve Fayette Energy Facility.

Permit No. 2602402, Sewerage, **City of Uniontown**, 20 North Gallatin Avenue, Uniontown, PA 15401. Construction of sanitary sewers located in the City of Uniontown, **Fayette County** to serve the City of Uniontown.

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

WQM Permit No. 4302409, Sewerage, **Ryan Wells**, 67 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.

WQM Permit No. 4302403, Sewerage, **Philip R. Kozakovsky**, 5124 Sandy Lake Road, Cochranon, PA 16314. This proposed facility is located in French Creek Township, **Mercer County**.

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

WQM Permit No. 2002406, Sewerage, **Angelo A. Cilenti**, 121 Squaw Run Road, Pittsburgh, PA 15238. 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. 4302408, Sewerage, **Frederick C. Callahan**, 85 Fredonia Road, Apartment 4, Greenville, PA 16125. This proposed facility is located in Hempfield Township, **Mercer County**.

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

WQM Permit No. 4302407, Sewerage, **Richard H. Craig**, 1640 Mercer Grove City Road, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

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

WQM Permit No. 4302405, Sewerage, **Donald Warner**, 7498 Sharon Mercer Road, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

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

WQM Permit No. 2502407, Sewerage, **Barry K. and Connie L. Henderson**, 8678 Maplecrest Drive, McKean, PA 16426. This proposed facility is located in Washington Township, **Erie County**.

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

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>
PAS10G156-R	William and Nancy Page 603 Peacock Road Kennett Square, PA 19348	Chester	Upper Oxford Township Chester County	UNT to East Branch Big Elk Creek (HQ-TSF-MF)
PAS10G500	Montgomery School 1141 Route 113 Chester Springs, PA 19425	Chester	West Pikeland Township Chester County	Pickering Creek (HQ-TSF)
PAS10G501	Columbia Gas Transmission Corp. 1700 MacCorkle Avenue P. O. Box 1273 Charlestown, WV 25325-1273	Chester	West Vincent and West Bradford Townships	UNT to Pickering Creek (HQ-TSF) and UNT to Beaver Creek (TSF-MF)
PAS10G518	D&L Capital Investments 1244 West Chester Pike Suite 406 West Chester, PA 19382	Chester	West Bradford Township	Broad Run (EV-MF)
PAS10J057	Koll Bren Schreiber Realty Assoc. 125 Summer Street, Suite 1640 Boston, MA 02110	Delaware	Tinicum Township	UNT to Delaware Estuary (WWF)

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>
PAS10N029-1	First Industrial Acquisition, Inc. 200 Phillips Rd. Exton, PA 19341-1326	Lackawanna	Covington and Clifton Townships	Roaring and Meadow Brooks HQ-CWF
PAS10U161	Ashley Development Corp. 559 Main St. Bethlehem, PA 18018	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF

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

Berks County Conservation District, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10C047	Pennsylvania Department of Transportation District 5-0 1713 Lehigh St. Allentown, PA 18103	Berks	Cumru Spring Brecknock Townships	Little Muddy Creek (TSF) and Wyomissing Creek (Klines Creek) (CWF)
PAS10C049	Jet Development Corp. 266 Kristin Ln. Allentown, PA 18104	Berks	Topton Borough	Little Lehigh Creek (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101718	International Custom Products P. O. Box 527A Oklahoma Salem Rd. DuBois, PA 15801	Clearfield	Sandy Township	Reisinger Run 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 Permit(s) 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 Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in 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 of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

NOTICES

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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 & Phone No.</i>
Concord Township Delaware County	PAR10J212	WaWa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Webb Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Moosic Borough	PAR10N059R	Hemingway Development Corp. 2 Glenmaura National Blvd. Moosic, PA 18507	Spring Brook, CWF	Lackawanna County Conservation District (570) 281-9495
Northampton County Lower Mt. Bethel Township	PAR10U182	Dennis Levine PPL Interstate Energy Co. 214 Shoemaker Rd. Pottstown, PA 19464	Mud Run, SWF Martins Creek, TSF, MF Oughoughton Creek, CWF UNT to Delaware River, CWF	Northampton County Conservation District (610) 746-1971
Schuylkill County Branch and Cass Townships	PAR105840	Branch—Cass Regional Sewer Authority William Jones P. O. Box 309 Llewellyn, PA 17944	West Branch Schuylkill River, CWF	Schuylkill County Conservation District (570) 622-3742
Hamilton Township Fulton County	PAR10M260	Meadow Green Heights Stanley R. Johnson 1432 Johnson Road Chambersburg, PA 17201	Back Creek Conococheague Creek (TSF)	Fulton County Conservation District 216 N. Second Street McConnellsburg, PA 17233 (717) 485-3547
Montgomery Township Fulton County	PAR10M267	Montgomery Township Composting Facility 11364 Fort Loudon Rd. Mercersburg, PA 17236	Licking Creek (CWF)	Fulton County Conservation District 216 N. Second Street McConnellsburg, PA 17233 (717) 485-3547
Quarryville Borough Lancaster County	PAR100569	Powell Steel Corp. 625 Baumgardner Rd. Lancaster, PA 17603	UNT to Big Beaver Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR100571	Robert Tracker 1044 Marietta Ave. Lancaster, PA 17603	Chickies Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Amity Township Berks County	PAR10C411	George Tindall, Mgr. Amity Township 2004 Weavertown Rd. Douglassville, PA 19518	Manatawny Creek (CWF)	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Muhlenberg Township Berks County	PAR10C429	Michael Lawrence All Star Distributing 851 Commerce St. Sinking Spring, PA 19608	Schuylkill River (WWF)	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
North Lebanon Township Lebanon County	PAR10P165	Anthony Piazza 30 Carol Ann Drive Lebanon, PA 17046	Tulpehocken Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908 x 3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Hanover Township Dauphin County	PAR10I300	New Penn Hospitality Assoc. of Grantville, LP 5835 NW 21st Way Boca Raton, FL 33496	Bow Creek (WWF)	Richard Snyder Dauphin County Conservation District (717) 921-8100
Benner and Spring Townships Centre County	PAR10F164	Victorian Village 660 Benner Pike Bellefonte, PA 16823	UNT to Logan Branch/UNT to Spring Creek (CWF)	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Patton Township Centre County	PAR10F147-1	Toftrees Resort Hotel 7 County Club 1 Country Club Lane State College, PA 16803	UNT to Big Hollow (CWF)	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Castanea Township Clinton County	PAR10I927	American Color & Chemical LLC Mt. Vernon St. Lock Haven, PA 17745	Bald Eagle Creek (CWF)	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751 (570) 726-3798
Franklin Township Snyder County	PAR105924	D. Merrill Arnold Middleburg Middle School District 568 East Main St. Middleburg, PA 17842	Middle Creek (CWF)	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007 Ext. 112
Allegheny County City of Monroeville	PAR10A492-1	Basil Hawanchak 301 Fitz Henry Road Smithton, PA 15479	Thompson Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAR10A507	The First Christian Church at Crafton 37 McMunn Avenue Pittsburgh, PA 15205	Chartiers Creek/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAR10A577	The Sampson Group 2500 Eldon Road Monroeville, PA 15146	Campbells Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAR10A588	RDS Land Company, LTD 400 Penn Center Blvd. Pittsburgh, PA 15235	Campbells Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAR10A590	Oxford Development Company One Oxford Centre Pittsburgh, PA 15219	UNT to Pine Creek/CWF	Allegheny County Conservation District (412) 241-7645
Armstrong County Kittanning and Plumcreek Townships	PAR10B048	Kittanning-Plumcreek Water Authority R. D. 1, Box 114K Kittanning, PA 16201	Rupp Run/WWF Mill Run/WWF Cherry Run/CWF	Armstrong County Conservation District (724) 548-3425
Cambria County Patton Borough Elder Township	PAR10I086	Patton Borough P. O. Box 175 Patton, PA 16668	Chest Creek/CWF	Cambria County Conservation District (814) 472-2120
Indiana County Burrell Township	PAR103165	MJB Acquisition Corp. Wyoming Tech Institute 4373 N. Third Street Laramie, WY 82072	UNTs Blacklick Creek/CWF	Indiana County Conservation District (724) 463-8847
Washington County Carroll, Fallowfield and Monongahela Townships	PAR10W209	Equitrans, LP 100 Allegheny Center Mall Pittsburgh, PA 15212	UNT to Pigeon Run/WWF UNT to Taylors Run/WWF S. Branch Maple Creek/WWF	Washington County Conservation District (724) 228-6774

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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 & Phone No.</i>
Washington County California Borough	PAR10W213	California University of Pennsylvania Student Association, Inc. 205 University Drive California, PA 15419	Monongahela River/WWF	Washington County Conservation District (724) 228-6774
Butler County Cranberry Township	PAR10E175	Richard A. Mathews RGAM Inc. FOXMOOR Apartments 650 Washington Road Pittsburgh, PA 15228	Brush Creek (WWF)	Butler Conservation District (724) 284-5270
Venango County Sandy Creek Township	PAR107016	Karl D. Ishman, P. E. Pennsylvania Department of Transportation District 1-0 255 Elm Street Oil City, PA 16301	Sandy Creek (WWF)	Venango Conservation District (814) 676-2832
Venango County Cherry Tree Township	PAR107018	Karl D. Ishman, P. E. Pennsylvania Department of Transportation District 1-0 255 Elm Street Oil City, PA 16301	Oil Creek (CWF)	Venango Conservation District (814) 676-2832
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County East Hempfield Township	PAR123553	Kellogg USA Inc. 2050 State Rd. Lancaster, PA 17604	Swarr Run/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Milton Borough Northumberland County	PAR804801	ACF Industries Inc. 417 North Arch Street Milton, PA 17847	Storm sewer to West Branch of the Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Big Run Borough Jefferson County	PAR118319	Star Iron Works, Inc. R. R. 3, Box 155 Punxsutawney, PA 15767	Big Run and Mahoning Creek (below Clover Run)	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County Kimmel Township	PAG043545	Dennis and Nellie Cowher 2302 Schellsburg Road Queen, PA 16670	Beaver Dam Run/11-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
North Centre Township Columbia County	PAG044972	Dennis L. Markle 181-B Mountain Rd. Berwick, PA 18603	UNT to West Branch Briar Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Delaware Township Northumberland County	PAG044899	David A. Dyer R. R. 1, Box 359 Watsonstown, PA 17777	UNT to Delaware Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Osceola Township Tioga County	PAG045143	EMC Mortgage, Inc. P. O. Box 141358 Irving, TX 75014	UNT to Cowanesque River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Main Township Columbia County	PAG044988	Lois Williams R. D. 8, Box 468 Bloomsburg, PA 17815	Catawissa Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Huston Township Centre County	PAG045139	Jacqueline M. Ziegler 121 Kennel Lane Port Matilda, PA 16870	UNT to Bald Eagle Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Lake Township Mercer County	PAG048810	Ryan Wells 67 Small Road Fredonia, PA 16124	Pine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
French Creek Township Mercer County	PAG048790	Philip R. Kozakovsky 5124 Sandy Lake Road Cochranton, PA 16314	Unnamed tributary to North Deer Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Shenango Township Crawford County	PAG048813	Angelo A. Cilenti 121 Squaw Run Road Pittsburgh, PA 15238	Unnamed tributary of Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG048807	Frederick C. Callahan 85 Fredonia Road Apartment 4 Greenville, PA 16125	Unnamed tributary to Mathay Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Findley Township Mercer County	PAG048799	Richard H. Craig 1640 Mercer Grove City Road Mercer, PA 16137	Unnamed tributary to Pine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lackawannock Township Mercer County	PAG048794	Donald Warner 7498 Sharon Mercer Road Mercer, PA 16137	Unnamed tributary to Little Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

Washington Township Erie County	PAG048814	Barry K. and Connie L. Henderson 8678 Maplecrest Drive McKean, PA 16426	Unnamed tributary to Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
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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 & Phone No.</i>
Luzerne County Wilkes-Barre City	PAG052212	Miners Mills Service 169 Miller Street Wilkes-Barre, PA 18705	Mill Creek/CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Berks County Exeter Township	PAG053567	Exeter Township School District 3650 Perkiomen Avenue Reading, PA 19606	UNT to Antietam Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Myerstown Borough	PAG053568	Former Reese's Shell Facility 2 North Railroad Street Myerstown, PA 17067	Tulpehocken Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Phone No.</i>
City of Pittsburgh Allegheny County	PAG086101	Allegheny County Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233-1092	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
S. Annville Township Lebanon County	PAG083504	Annville Township Authority P. O. Box 320 Annville, PA 17003-0320	Stan Bucher Farm South Annville Township Lebanon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
S. Annville Township Lebanon County	PAG083504	Annville Township Authority P. O. Box 320 Annville, PA 17003-0320	Charles Hershey Farm E. Hanover Township Lebanon County	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 & Phone No.</i>
Conoy Township Lancaster County	PAG093540	Kauffman's Septic Service 236 Governor Stable Road Bainbridge, PA 17502	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 & Phone No.</i>
Berks County Cumru Township	PAG103514	Sunoco Pipeline LP 10 Penn Center 26th Floor 1801 Market Street Philadelphia, PA 19103-1699	UNT Wyomissing Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams County Mt. Pleasant Township	PAG123552	Bruce Pohlman Bruce Pohlman and Son Hog Farm 1633 Centennial Road New Oxford, PA 17350	UNT South Branch Conewago Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection 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).**

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

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 3540032, West Mahanoy Township, **Schuylkill County**, on July 2, 2002, for the operation of facilities approved under Construction Permit #5400503.

Operations Permit issued to **Barton Court**, 654 Morwood Road, Telford, PA 18969, PWS ID 2450005, Pocono Township, **Monroe County**, on July 2, 2002, for the operation of facilities approved under Construction Permit #4594505.

Operations Permit issued to **East Allen Township Municipal Authority**, 5344 Norbath Blvd., Northampton, PA 18067-9063, PWS ID 3480021, East Allen Township, **Northampton County**, on June 14, 2002, for the operation of facilities approved under Construction Permit #4899506.

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

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 7210029, Fairview Township, **York County**, on July 1, 2002, for the operation of facilities approved under Construction Permit No. 6701505MA.

Operations Permit issued to **Cornwall Borough Municipal Authority**, PWS ID 7380007, Cornwall Borough, **Lebanon County**, on June 18, 2002, for the operation of facilities approved under Construction Permit No. 3801507MA.

Operations Permit issued to **United Water Pennsylvania**, 4211 East Park Circle, Harrisburg, PA 17111, PWD ID 7220015, Hummelstown Borough, **Dauphin County**, on July 1, 2002, for the operation of facilities approved under Construction Permit No. 2202503MA.

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

Permit No. Minor Amendment. Public Water Supply.	
Applicant	New Albany Borough P. O. Box 67 New Albany, PA 18833
Borough or Township	New Albany Borough and Albany Township
County	Bradford
Type of Facility	Approval to construct replacement of existing distribution system

Consulting Engineer Stiffler, McGraw, & Associates
19 N. Juniata Street
P. O. Box 462
Hollidaysburg, PA 16648

Permit to Construct July 8, 2002
Issued

Permit No. Minor Amendment. Public Water Supply.

Applicant **Shamokin Dam Borough**
144 West 8th Ave.
P. O. Box 273
Shamokin Dam, PA 17876-0273

Borough Shamokin Dam Borough

County **Snyder**

Type of Facility Approval to construct DelPAC
2020 coagulant feed facilities for
existing filtration plant

Consulting Engineer Gannett-Fleming, Inc.
202 Senate Ave.
Camp Hill, PA 17011

Permit to Construct July 5, 2002
Issued

Permit No. Minor Amendment. Public Water Supply.

Applicant **Shamokin Dam Borough**
144 West 8th Ave.
P. O. Box 273
Shamokin Dam, PA 17876-0273

Borough Shamokin Dam Borough

County **Snyder**

Type of Facility Approval to operate DelPAC 2020
coagulant feed facilities for exist-
ing filtration plant

Consulting Engineer Gannett-Fleming, Inc.
202 Senate Ave.
Camp Hill, PA 17011

Permit to Operate July 5, 2002
Issued

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

Operations Permit issued to **Cambria Township
Water Authority**, P. O. Box 23, Reese Avenue, Colver, PA
15927, PWS ID 4110006, Cambria Township, **Cambria
County**, on June 28, 2002, for the operation of facilities
approved under Construction Permit #1186502-A2.

Permit No. 5026504-A1, Minor Amendment. Public
Water Supply.

Applicant **Aqua Filter Fresh, Inc.**
P. O. Box 14128
One Commerce Drive
Pittsburgh, PA 15239

Borough or Township Plum Borough

County **Allegheny**

Type of Facility Bulk water hauling

Consulting Engineer Robert Mitall

Permit to Construct June 21, 2002
Issued

Permit No. 5026504-A2, Minor Amendment. Public
Water Supply.

Applicant

Aqua Filter Fresh, Inc.
P. O. Box 14128
One Commerce Drive
Pittsburgh, PA 15239

Borough or Township Plum Borough

County **Allegheny**

Type of Facility Addition of Temple Springs No.
2290508

Consulting Engineer Robert Mitall

Permit to Operate July 1, 2002
Issued

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

Permit No. 3702501, Public Water Supply.

Applicant **Cedar Acres MHP**
1650 Harlansburg Road
New Castle, PA 16101

Borough or Township Scott Township

County **Lawrence**

Type of Facility New source (Well No. 2)

Consulting Engineer Frank Taylor Engineering
R. D. 1 Box 93
New Castle, PA 6101

Permit to Construct July 3, 2002
Issued

Permit No. 2789-T1-MA2, Minor Amendment. Pub-
lic 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 Paint, repair and upgrade of the
existing west hydropillar water
storage tank.

Consulting Engineer Tank Industry Consultants
774 West New York Street
Indianapolis, IN 46214

Permit to Construct July 3, 2002
Issued

Permit No. 8875-W-T1-MA1, 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 Interior/exterior painting and mis-
cellaneous repairs to the East
Booster standpipe.

Consulting Engineer Tank Industry Consultants
774 West New York Street
Indianapolis, IN 46214

Permit to Construct July 3, 2002
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peters Township	610 East McMurray Road McMurray, PA 15317	Washington County

Plan Description: The approved plan provides for construction of a 400-gallon per day single residence sewage treatment plan to serve the Gregory L. Baker single family home, 347 Churchill Road, Venetia, PA 15367. The proposed discharge point is an unnamed tributary of Peters Creek classified as a trout stocking fishery. Any required NPDES permits or WQM permits must be obtained in the name of the applicant as appropriate. The Department's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement

DuPont/New Castle Junk Site City of Newcastle and Union Township, Lawrence County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (Agreement) with Medure Development, LLC (Medure) concerning the re-development of a portion of the DuPont/New Castle Junk Site (Site).

In the past, wastes containing hazardous substances were disposed at the Site, and these substances contaminated the environment at the Site. The Department and some of the responsible persons for the Site conducted a response action at the Site between 1992 and 2002. This response action included treatment of wastes and soils contaminated by hazardous substances, followed by placement of a soil cap on one portion of the treated wastes and proper closure of a residual waste landfill on another portion of the Site. Upon completion of the response action, the portion of the Site owned by the Lawrence County Economic Development Corporation (LCEDC) was available for redevelopment.

Medure is purchasing a portion of the Site property that is now owned by LCEDC. Medure is not a "responsible party" as defined in section 103 of HSCA (35 P. S. § 6020.103). However, in recognition of the extensive cleanup efforts at the Site, under the terms of the Agreement, Medure has agreed to redevelop this portion of the Site property in a manner consistent with the completed response action, including maintaining the soil cap over the treated wastes.

The specific terms of this settlement are set forth in the Agreement between the Department and Medure. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this notice. The Department has the right to withdraw its consent to

the Agreement if the comments disclose facts or considerations that indicate that the Agreement is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Medure shall be effective upon the date that the Department notifies Medure, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement or that no comments were received.

Copies of the Agreement are available for inspection at the Department's Northwest Regional Office. Comments may be submitted to Gary Mechtly, Project Manager, Hazardous Sites Cleanup, Northwest Regional Office, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

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.

Former Ultra Precision Facility, Middletown Township, **Bucks County**. Richard P. Cerbone, P.G., ENSR Corp., 2005 Cabot Blvd. West, Langhorne, PA 19047-1810, on behalf of Teachers Insurance & Annuity Assoc., College Retirement Equities Fund, 730 Third Ave., New York, NY 10017-3206, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

Former Dial Property, Bristol Borough, **Bucks County**. Michael A. Christie, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Redevelopment Authority of Bucks County, One N. Wilson Ave., Bristol, PA 19007, has submitted a combined Remedial Investigation and Cleanup Plan concerning the remediation of site soil contaminated with lead, heavy metals, BTEX, PAHs and solvents; and groundwater contaminated with heavy metals, BTEX, PAHs and solvents.

Former Cedar Hollow Quarry, Historic Landfill (Groundwater), East Whiteland and Tredyffrin Townships, **Chester County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Background Standards.

Former Automatic Timing and Controls Facility, Upper Merion Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Schuylkill Assoc., P. O. Box 128, Ambler, PA 19002, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and solvents. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Detrex Corporation, P. O. Box 5111, Southfield, MI 48086-5111. License No. **PA-AH 0417**. Effective June 28, 2002.

Midwest Environmental Services Inc., P. O. Box 218, 420 1/2 S. Francis Street, Brownstown, IN 47220. License No. **PA-AH 0661**. Effective June 28, 2002.

Tonawanda Tank Service Inc., 1140 Military Road, P. O. Box H, Buffalo, NY 14217. License No. **PA-AH 0429**. Effective June 28, 2002.

David J. Winning Company, 5610 Aiken Road, McKees Rocks, PA 15136. License No. **PA-AH S100**. Effective June 27, 2002.

National Waste Clean, Inc., 304 Pulaski Street, South Plainfield, NJ 07080. License No. **PA-AH 0528**. Effective July 3, 2002.

Marisol, Incorporated, 213 West Union Avenue, Bound Brook, NJ 08805-1334. License No. **PA-AH 0164**. Effective July 3, 2002.

Hazardous Waste Transporter License Expired

Hub City Environmental, Inc., P. O. Box 817, Pearland, TX 77581. License No. **PA-AH 0530**. Effective June 30, 2002.

NEI Transport, LLC, P. O. Box 856, Duenweg, MO 64841. License No. **PA-AH 0663**. Effective June 30, 2002.

R. L. Carter Trucking, Inc., 8451 S. State Road 39, Clayton, IN 46118. License No. **PA-AH 0662**. Effective June 30, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Infectious and Chemotherapeutic Waste Transporter License, action taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Expired

Regnier's Refrigerated Express, 648 Frenchtown Road, New Castle, DE 19702. License No. **PA-HC 0050**. Effective June 30, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

PAD002387926. Merck & Co Inc., 770 Sumneytown Pike, P. O. Box 4, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. Draft permit for the 10-year renewal of the captive hazardous waste container storage operations at Merck's West Point facility. Draft permit issued on July 8, 2002.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR027D001A. Better Materials Corporation, P. O. Box 187, Route 522 North, Berkeley Springs, WV 25411-0187. General Permit Number WMGR027D001A is for the beneficial use of baghouse fines and scrubber pond precipitates generated at Penns Park plant located in Wrightstown Township, **Bucks County**, PA, as an aggregate in roadway construction or as an ingredient or component in cement or asphalt products. Central Office approved the determination of applicability on July 3, 2002.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101413. Republic Services Group of Pennsylvania, LLC, 4145 E. Baltimore Pike, Media, PA 19063, City of Chester, **Delaware County**. Existing permit reissued from Republic Services Group of Pennsylvania II, LLC to Republic Services Group of Pennsylvania LLC. The permit was reissued by the Southeast Regional Office on July 8, 2002.

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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 400571. Pottstown Memorial Medical Center, 1600 East High St., Pottstown, PA 19464-5008, Borough of Pottstown, **Montgomery County**. Based upon the satisfactory closure of the hospital's waste incinerator, the waste permit is being revoked at the operator's request, and the bond associated with the waste permit will be released upon this action becoming final. The permit was revoked by the Southeast Regional Office on July 8, 2002.

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

Permit No. 601485. Derry Township Municipal Authority, 670 Clearwater Road, Hershey, PA 17033-3237, Derry Township, **Dauphin County**. This permit has been revoked at the request of the permittee for two sites in Derry Township (Farm Nos. 41 and 46). The permit was revoked by Southcentral Regional Office on June 27, 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.

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

GP5-17-06: Fairman Drilling Co. (R. R. 1, Helvetia Road, DuBois, PA 15801) on June 6, 2002, for operation of a 200 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning

device (a catalytic converter) and a dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP 5) at the Buterbaugh Station in Burnside Township, **Clearfield County**.

GP1-18-01: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on June 13, 2002, for construction and operation of a 14.5 million Btu/hour natural gas/#2 fuel oil-fired boiler equipped with a low NOx burner and flue gas recirculation system under the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil-Fired Combustion Units (BAQ-GPA/GP-1) in Bald Eagle Township, **Clinton County**.

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

GP-32-00319: Belden and Blake Corp. (5200 Stoneham Road, P. O. Box 2500, North Canton, OH 44720) on July 1, 2002, for construction and operation of a Caterpillar Model 3408CLE 425 Bhp Compressor Engine at the Clawson Compressor Station in Black Lick Township, **Indiana County**.

GP-26-00544: Belden and Blake Corp. (5200 Stoneham Road, P. O. Box 2500, North Canton, OH 44720) on July 1, 2002, for construction and operation of a Caterpillar Model G3306NA 145 Bhp Compressor Engine at the Connellsville Compressor Station in Dunbar Township, **Fayette County**.

GP-65-00950: Dominion Energy Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on July 3, 2002, for installation of 810 Bhp Model G3512LE and 633 Bhp Model G3508LE caterpillar engines to operate two natural gas production well booster compressors at Peoples Natural Gas Company's Arnold Compressor Station in Lower Burrell City, **Westmoreland County**.

GP-32-00362: Independence Recycling, Inc. (5531 Canal Road, Valley View, OH 44125) on July 3, 2002, for relocation of a Portable Nonmetallic Mineral Processing Plant to the PennDOT—Dick Corp. roadway project on SR 22/119 in Blairsville, **Indiana County**.

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

62-017: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) on May 31, 2002, for installation of a low sulfur gas storage tank in Warren, **Warren County**.

42-200: Belden and Blake Corp.—Westline 280 Station (SR 3006, Bradford, PA 16701) for operation of a natural gas compressor station in Lafayette Township, **McKean County**.

61-196: Belden and Blake Corp.—Windy Hill Station (SR 8, Titusville, PA 16354) for operation of a natural gas compressor station in Cherry Tree Township, **Venango County**.

62-155: Belden and Blake Corp.—Lamoree Station (SR 27, Grand Valley, PA 16354) for operation of a natural gas compressor station in Eldred Township, **Warren 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.

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

39-317-028: Kraft Foods North America, Inc. (7352 Industrial Blvd., Allentown, PA 18106) on July 1, 2002, for modification of a mustard seed storage and transfer system and associated air cleaning devices in Upper Macungie Township, **Lehigh County**.

48-309-117: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on June 25, 2002, for installation of an air cleaning device on the Clinker Silo 524 at the Nazareth Plant No. 1 in Lower Nazareth Borough, **Northampton County**.

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

67-05004E: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on July 1, 2002, for installation of a baghouse on an existing steel ash bin vent of the Nos. 1, 3 and 4 Power Boilers' ash unloading system in Spring Grove Borough, **York County**.

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

18-00011D: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751-9601) on June 20, 2002, for construction of four VOC/hazardous air pollutant storage tanks and associated distribution systems in Bald Eagle Township, **Clinton County**. The tanks and distribution systems are subject to Subpart PPP of the National Emission Standards for Hazardous Air Pollutants.

60-0001B: Bucknell University (Department of Physical Plant, Lewisburg, PA 17837) on June 25, 2002, for construction of a natural gas/#2 fuel oil-fired turbine in Lewisburg Borough, **Union County**. The turbine is subject to Subpart GG of the Federal Standards of Performance for New Stationary Sources.

53-00005B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on June 25, 2002, for construction of a 4,735 HP natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic exhaust silencer) at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

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

03-975B: Armstrong Energy Limited Partnership, LLC (R. D. 3, Box 196, Shelocta, PA 15774) on June 28, 2002, to increase annual emissions to include startups and shutdowns, name change and other minor changes in South Bend Township, **Armstrong County**.

26-00451B: CONSOL Docks, Inc. (1800 Washington Road, Pittsburgh, PA 15241) on June 25, 2002, to increase annual throughput and to allow construction of barge unloading, onground stockpiling and transfer equipment in Luzerne Township, **Fayette County**.

03-00228A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on July 1, 2002, for a coal staging and coal sizing operation at the Stitt Mine in Rayburn Township, **Armstrong County**.

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

61-185A: Heath Oil Co. (Route 8, Barkeyville, PA 16301) on June 20, 2002, for modification of sampling requirements for the Barkeyville Refinery in Barkeyville, **Venango 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.

15-0098: Rhodia ChiRex America, Inc. (383 Phoenixville Pike, Malvern, PA 19355) on July 5, 2002, for operation of two new reactors in Charlestown Township, **Chester County**.

46-0036A: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on July 5, 2002, for operation of a urea selective catalytic reduction in Worcester Township, **Montgomery County**.

46-318-045: Willow Grove Air Reserve Station (Langley Street, Horsham, PA 19044) on July 8, 2002, for operation of a paint spray booth in Horsham Township, **Montgomery County**.

23-0004: American Ref-Fuel Co. of DV, L.P. (10 Highland Avenue, Chester, PA 19013) on July 8, 2002, for operation of a mass burn resource recovery factory in City of Chester, **Delaware County**.

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

06-03041: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) on November 25, 2001, for a municipal waste landfill controlled by an enclosed ground flare and turbine at its Rolling Hills Landfill in Earl Township, **Berks County**. This plan approval was extended.

06-03041: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) on March 26, 2002, for a municipal waste landfill controlled by an enclosed ground flare and turbine at its Rolling Hills Landfill in Earl Township, **Berks County**. This plan approval was extended.

22-03037: Consolidated Scrap Resources, Inc. (P. O. Box 1761, Harrisburg, PA 17105) on March 1, 2002, for a metal scrap shredder controlled by a cyclone in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

36-03122A: Chester County Solid Waste Authority (7224 Division Highway, Narvon, PA 17555) on July 2, 2002, for construction of a landfill gas utility flare at the Lancaster Landfill in Caernarvon Township, **Lancaster County**. This plan approval transferred ownership from Allegheny Energy Resources, Inc. to Chester County Solid Waste Authority.

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

41-399-026: Penn Recycling, Inc. (2525 Trenton Avenue, Williamsport, PA 17701) on June 27, 2002, for operation of an automobile/metal shredding system and associated air cleaning devices (a foam injection system and a cyclone collector) on a temporary basis until October 25, 2002, in the City of Williamsport, **Lycoming County**. This plan approval was extended.

55-399-003A: Penn Lyon Homes, Inc. (P. O. Box 27, Selinsgrove, PA 17870) on June 26, 2002, for operation of prefabricated housing wood door, cabinet and trim surface coating and gluing operations on a temporary basis until October 25, 2002, in Monroe Township, **Snyder County**. This plan approval was extended.

08-317-003C: Taylor Packing Co., Inc. (P. O. Box 188, Wyalusing, PA 18853) on July 2, 2002, for construction of a rendering cooker in Wyalusing Township, **Bradford County**. This plan approval was transferred from Taylor By-Products, Inc. to Taylor Packing Co., Inc.

53-329-011: Tennessee Gas Pipeline Co. (9 Greenway Plaza, Houston, TX 77046) on July 2, 2002, for construction of a 367 horsepower natural gas-fired emergency generator instead of a 250 horsepower natural gas-fired emergency generator and to revise the allowable air contaminant emission limitations for the emergency generator and the facility accordingly in Genesee Township, **Potter County**. This plan approval was revised.

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

32-00230B: Texas Eastern Transmission, LP (5151 San Felipe, Houston, TX 77056) on June 28, 2002, to delete the citation of 40 CFR Subpart GG from the end of Condition 8 for the Armagh Compressor Station in Armagh Borough, **Indiana County**. The turbine at the station is not required by 40 CFR Subpart GG to install a CEMS. Compliance with the 40 CFR Subpart GG NOx Standard is established during the initial four-load stack testing. This requirement is addressed in Condition #19 of Plan Approval 32-00230A.

11-00285A: Whitaker Roads Corp. (P. O. Box 5657, Johnstown, PA 15904) on July 1, 2002, for installation of the Johnstown Asphalt Plant in Richland Township, **Cambria County**. This plan approval was extended.

32-055C: Homer City OL1-OL8 LLC (1750 Power Plant Road, Homer City, PA 15748) on July 1, 2002, to complete installation of the SCR and scrubber at the Homer City Station in Center Township, **Indiana County**. This plan approval was extended.

65-891B: Firestone Building Products Co. (525 Congressional Blvd., Carmel, IN 46032) on July 8, 2002, for replacement of an HCFC-141B w/pentane and install thermal at the Youngwood Plant in Youngwood Borough, **Westmoreland County**. This plan approval was extended.

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

10-087A: Du-Co Ceramics Co. (155 South Rebecca Street, Saxonburg, PA 16056) on June 18, 2002, for a Swindler Dressler Tunnel Kiln in Jefferson Township, **Butler County**.

24-083D: Carbone of America Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2002, for CBH Kilns in Benzinger Township, **Elk County**.

24-313-086A: Carbide Graphite Group, Inc. (800 Theresia Street, St. Marys, PA 15857) on June 30, 2002, for Carbottom Baking Kilns in St. Marys, **Elk County**.

25-066D: AKW, L. P. (1015 East 12th Street, Suite 200, Erie, PA 16503) on June 28, 2002, for 7,000, 5,000 and 8,000 ton forging presses in Erie, **Erie County**.

42-399-013C: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-158A: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-158B: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-158C: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-158D: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-176C: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-176G: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-176H: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

42-176I: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on June 30, 2002, for compliance measures and plant improvements in Sergeant Township, **McKean County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station (Star Route Box 574, Warren, PA 16365) for operation of a natural gas compressor station in Sheffield Township, **Warren County**. This Title V Operating Permit was renewed.

25-00179: City of Erie—Erie Wastewater Treatment Plant (68 Port Access Road, Erie, PA 16507) on July 8, 2002, for operation of a wastewater treatment plant and associated equipment, two sewage sludge incinerators and four generators in Erie Borough, **Erie County**.

33-00140: Dominion Transmission Inc.—Punxsutawney Station (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for operation of three natural gas-fired compressor engines, a small natural gas-fired boiler, a small natural gas-fired auxiliary generator and several miscellaneous storage tanks in Perry Township, **Jefferson County**.

10-00062: State System Higher Education—Slippery Rock University (The Facilities and Planning Offices, Slippery Rock, PA 16057) for operation of two natural gas and coal-fired boilers, two coal-fired boilers and several miscellaneous natural gas or diesel-fired IC engines in Slippery Rock Borough, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

95-058: Naval Foundry and Propeller Center (Building 592—Code 991.3, Philadelphia, PA 19112) July 3, 2002, for operation of a cement mixing, metal melting, metal stress relieving and metal grit blasting facility as per foundry operations and for operation of a machining, degreasing, painting and blasting of metal parts facility as per the machine shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sand mixing, 14 electric induction furnaces, sand conveying operations, laser welding, blasting, metal grinding, sawing, 17 combustion units each rated at 20 mmBtu/hr or less, propeller cleaning, paint spraying and film developing. The facility's air emission control devices include baghouses, dust collectors and particulate recovery.

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.

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

09-00107: American Stone-Mix, Inc. (1214 Hayes Blvd., Bristol, PA 19007) on July 1, 2002, for operation of a Natural Minor Operating Permit in Bristol Township, **Bucks County**.

23-00073: Alan McIlvain Co. (5th and Market Streets, Marcus Hook, PA 19061) on July 1, 2002, for operation of a Natural Minor Operating Permit in Marcus Hook Borough, **Delaware County**.

46-00134: The Hill School (Chestnut and Grant Streets, Pottstown, PA 19464) on July 1, 2002, for operation of a Synthetic Minor Operating Permit in Pottstown Borough, **Montgomery County**.

15-00073: Department of Veteran's Affairs (1400 Blackhorse Hill Road, Coatesville, PA 19320) on July 1, 2002, for operation of a Synthetic Minor Operating Permit in Caln Township, **Chester County**.

09-00053: Greif Bros. Corp. (695 Louis Drive, Warminster, PA 18974) on July 2, 2002, for operation of a Synthetic Minor Operating Permit in Warminster Township, **Bucks County**.

09-00056: Betz Dearborn, Inc. (4636 Somerton Road, Trevese, PA 19053) on July 5, 2002, for operation of a Synthetic Minor Operating Permit in Bensalem Township, **Bucks County**.

46-00107: ITW Philadelphia Resins (130 Commerce Drive, Montgomeryville, PA 18936) on July 5, 2002, for operation of a Natural Minor Operating Permit in Montgomery Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05108: International Paper Co. (801 Fountain Avenue, Lancaster, PA 17601) on June 28, 2002, for operation of a solid fiber shipping container manufacturing facility in Manheim Township, **Lancaster County**.

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

61-00012: OMG/Mooney Chemicals, Inc. (P. O. Box 111, 2 Mile Run Road, Franklin, PA 16323) on July 2, 2002, for operation of an industrial organic chemicals manufacturing facility in Sugarcreek Borough, **Venango County**. The facility has accepted limitations on the emission of VOCs and hazardous air pollutants.

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.

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

24-00016: Keystone Powdered Metal Co.—State Street Plant (1935 State Street, St. Marys, PA 15857-0313) for an administrative amendment to incorporate changes brought about through Plan Approval No. 24-016A in St. Marys Borough, **Elk County**. The EPA and public comment periods were addressed during the plan approval process.

24-00009: Weyerhaeuser Co. (100 Center Street, Johnsonburg, PA 15845) on July 1, 2002, for an administrative amendment to reflect the change in ownership from Willamette Industries, Inc. to Weyerhaeuser Co. for their Johnsonburg Mill in Johnsonburg Borough, **Elk County**. The Title V Operating Permit was originally issued September 5, 2000, and amended November 2, 2000, and April 8, 2002.

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 such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

54840105T2. Mine Hill Coal Co. #7, Inc. (P. O. Box 466, Minersville, PA 17954), transfer of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 372.2 acres. Receiving stream: none. Application received April 2, 2002. Transfer issued July 3, 2002.

49663009C2R3. Mallard Contracting Co., Inc. (100 Lehigh Street, Mt. Carmel, PA 17851-1293), correction and renewal of an existing anthracite surface mine operation in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties** affecting 1,200 acres. Receiving stream: Shamokin Creek. Applications received April 11, 2000, and February 1, 2001. Correction and renewal issued July 5, 2002.

40020201. Rossi Excavating Company (9 West 15th Street, Hazleton, PA 18201), commencement, operation and restoration of a coal refuse reprocessing operation in Hazle Township, **Luzerne County**, affecting 113 acres. Receiving stream: none. Application received March 4, 2002. Permit issued July 5, 2002.

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

14960101 and NPDES Permit No. PA0220388. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Renewal of an existing bituminous surface mine permit in Snow Shoe Township, **Centre County**, affecting 48.5 acres. Receiving streams: North Fork Beech Creek to Beech Creek, Beech Creek to Bald Eagle Creek; Bald Eagle Creek to West Branch Susquehanna River. Application received November 13, 2001. Permit issued July 3, 2002.

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

65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Transfer of permit formerly issued to Purco Coal, Inc. for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 14 acres.

Receiving streams: unnamed tributary to Youghiogheny River. Application received April 24, 2002. Transfer permit issued July 2, 2002.

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

56860105 and NPDES Permit No. PA0597686. Croner, Inc., (P. O. Box 260, Friedens, PA 15541). Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 184.2 acres. Receiving streams: unnamed tributaries to Blue Lick Creek and Swamp Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2002. Permit issued July 1, 2002.

56920108 and NPDES Permit No. PA0212181. Godin Brothers, Inc., (5433 Front Street, Stoystown, PA 15563). Permit renewal for reclamation only and for continued restoration of a bituminous surface mine and treated mine drainage in Jenner Township, **Somerset County**, affecting 71.7 acres. Receiving streams: unnamed tributary to Hoffman Run, Hoffman Run and Quemahoning Creek, all to Quemahoning Creek to Stony Creek to Conemaugh River classified for the following uses: cold water fishery and warm water fishery. The first downstream potable water supply intake from the point of discharge is Cambria/Somerset Municipal Authority Stonycreek No. 1 (Border Dam). Application received June 14, 2002. Permit issued July 1, 2002.

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

10010112 and NPDES No. PA0242039. T. C. Mining (252 Lower Hays Run Road, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous strip and auger operation in Clay and Concord Townships, **Butler County**, affecting 181.7 acres. Receiving streams: unnamed tributary to South Branch Slippery Rock Creek. Application received December 31, 2001. Permit Issued June 25, 2002.

Noncoal Permits Actions

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

4975SM3A1C3 and NPDES Permit PA0612235. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001). Renewal of NPDES Permit in Hamilton Township, **Adams County**. Receiving stream: Muncy Run. Application received May 17, 2002. Renewal issued July 2, 2002.

66020802. Alexander Jubinski, Jr. (R. R. 2, Box 502-4, Dalton, PA 18414). Commencement, operation and restoration of a quarry operation in Falls Township, **Wyoming County**, affecting 5 acres, receiving stream: none. Application received February 25, 2002. Permit issued July 3, 2002.

6276SM6T and NPDES Permit PA0595365. Donegal Rock Products, LLC (148 East Lancaster Street, Wayne, PA 19087). Transfer of an existing quarry operation in West Donegal Township, **Lancaster County**, affecting 51 acres, receiving stream: unnamed tributary to Donegal Creek. Application received March 15, 2002. Transfer issued July 5, 2002.

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

08020803. Heeman Quarries, Inc., (R. R. 2, Box 227H, Wyalusing, PA 18853). Commencement, operation and restoration of a Small Industrial Minerals (Bluestone/Flagstone) permit in Tuscarora Township, **Bradford County**, affecting 5 acres. Receiving streams: unnamed tributary to Mill Creek, tributary to Mill Creek. Application received March 19, 2002. Permit issued July 3, 2002.

53012802. Fessenden Construction Co., Inc. (94 Main Street, P. O. Box 271, Roulette, PA 16746). Commencement, operation and restoration of a Small Industrial Minerals (Rock) permit in Roulette Township, **Potter County**, affecting 2 acres. Receiving stream: tributary to Allegheny River. Application received October 29, 2001. Permit issued July 3, 2002.

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

37022802. B. & P. Slag Corp. (133 East Wallace Avenue, New Castle, PA 16101-2453). Commencement, operation and restoration of a small noncoal clay operation in North Beaver Township, **Lawrence County**, affecting 6 acres. Receiving streams: Mahoning River. Application received February 12, 2002. Permit Issued June 24, 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. 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.

40024014. Sheehan Pipe Line Construction Company (P. O. Box 231, Renovo, PA 17764), construction blasting in Huntington and New Columbus Boroughs, Benton, Sugarloaf and Jackson Townships, **Luzerne and Columbia Counties** with an expiration date of November 30, 2002. Permit issued July 2, 2002.

40024015. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Dorrance Township, **Luzerne County** with an expiration date of June 5, 2003. Permit issued July 2, 2002.

67024020. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Newberry Township, **York County** with an expiration date of October 31, 2002. Permit issued July 3, 2002.

36024066. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of October 31, 2002. Permit issued July 3, 2002.

67024023. Stewart & Tate, Inc. (1020 North Hartley Street, York, PA 17405), construction blasting in York Township, **York County** with an expiration date of January 31, 2003. Permit issued July 3, 2002.

36024067. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Strasburg Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued July 3, 2002.

67024021. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Mona-

ghan Township, **York County** with an expiration date of August 31, 2002. Permit issued July 3, 2002.

67024022. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of October 31, 2002. Permit issued July 3, 2002.

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

14024016. Ameron Construction Co., Inc., 2501 N. Atherton Street, State College, PA 16803, for construction blasting, located in Walker Township, **Centre County** with an expected duration of 5 months. Permit issued July 1, 2002. Permit expires December 31, 2002.

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

65024001. Penn Transportation Services, Inc. (P. O. Box 110, Uniontown, PA 15401). Permit issued for a construction project in Bushy Run Corporate Park, located in Penn Township, **Westmoreland County**, with an expected duration of 60 days. Permit issued July 1, 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

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

E40-586. Peter and Dolores Valania, 405 Alden Mountain Road, Nanticoke, PA 18634. Newport Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in a de minimis area of wetlands, equal to 0.05 acre, for the purpose of constructing a home. The project is located along the west side of Alden Mountain Road (SR 3001), to the northeast of Fairchild Pond (Nanticoke, PA Quadrangle N: 8.1 inches; W: 0.6 inch).

E52-177. The Forest Lake Club, R. R. 1, Box 333, Hawley, PA 18428-9718. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove the existing structures and to construct and maintain: (1) a 26-foot x 20-foot boathouse, extending approximately 20 feet lakeward from the shoreline, in Wolf Lake; and (2) a 25-foot x 60-foot boathouse, extending approximately 19 feet lakeward from the shoreline, in Corilla Lake. The boathouses will be supported by concrete pads along the shoreline and pressure-treated piers in the water. The projects are located along the eastern shoreline of Wolf Lake (Narrowsburg, NY-PA Quadrangle N: 5.8 inches; W: 13.5 inches) and the northwestern

shoreline of Corilla Lake (Narrowsburg, NY-PA Quadrangle N: 5.2 inches; W: 11.9 inches).

E45-422. Monroe County, One Quaker Plaza, Stroudsburg, PA 18360-2192. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain a concrete encased steel I-beam bridge having a single span of 24 feet and an underclearance of approximately 6 feet across Lake Creek. The maintenance work includes: milling and paving of the bridge deck; repair of deteriorated concrete; rehabilitation of the southern abutment and footing; and placement of R-8 riprap scour protection along each footing. The bridge is known as County Bridge No. 12 and is located along Township Road T237 (Metzgar Road), approximately 0.3 mile west of SR 0033 (Saylorsburg, PA Quadrangle N: 8.0 inches; W: 7.7 inches).

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

E05-291. Heritage Cove Incorporated d/b/a Heritage Cove Resort, 602 16th Street, Saxton, PA 16678 in Hopewell Township, **Huntingdon County** and in Liberty Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 1,512-ft² concrete boat launch, a 300-ft² floating walk, two 2,136-ft² boat docks and 382 feet of shoreline grading and stabilization in Raystown Lake, Raystown Branch of the Juniata River (TSF/WWF) in Hopewell Township, Huntingdon County (Saxton, PA Quadrangle N: 19.5 inches; W: 15.5 inches); a 6-inch outfall with rock protection in Raystown Lake, Raystown Branch of the Juniata River in Liberty Township, Bedford County (Saxton, PA Quadrangle N: 19.0 inches; W: 16.2 inches); and 13 utility line wetland crossings involving temporary wetland impacts of 0.05 acre for the construction of a campground facility in Liberty Township, Bedford County and Hopewell Township, Huntingdon County (Saxton, PA Quadrangle N: 19.5 inches; W: 16.0 inches). Additional impacts resulting from the construction of roads within the campground facility involve 0.10 acre of permanent wetland impacts previously authorized under GP-07-05-00-108 and two waived crossings of an unnamed tributary to the Raystown Branch of the Juniata River (WWF) totaling 115 feet (Saxton, PA Quadrangle N: 20.0 inches; W: 16.0 inches and N: 19.7 inches; W: 15.7 inches).

E05-296. John Joseph Folk, 1208 Main Street, Box 86, Six Mill Run, PA 16679 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

To relocate approximately 200 feet of an unnamed tributary to Six Mile Run (WWF) to its original channel and to remove approximately 50 feet of unvegetated gravel bar material at a point just upstream from Wright Boulevard (Saxton, PA Quadrangle N: 8.75 inches; W: 13.2 inches) in Broad Top Township, Bedford County. The placement of a 30-inch culvert within the relocated channel of the unnamed tributary to Six Mile Run has been waived.

E05-300. Department of Conservation and Natural Resources, Forestry Bureau District 2-0, 435 State Park Road, Schellsburg, PA 15559 in Union Township, **Bedford County**, ACOE Baltimore District.

To remove and replace a 48-inch corrugated metal pipe culvert and a 60-inch by 46-inch corrugated metal pipe arch culvert with 73-inch by 55-inch corrugated steel pipe arch culvert at two locations in Pavia Run (HQ-CWF) at a

point on Forest Road (Blue Knob, PA Quadrangle N: 3.0 inches; W: 11.75 inches) in Union Township, Bedford County.

E06-553. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103 in Brecknock, Cumru and Spring Townships, **Berks County**, ACOE Philadelphia District.

To construct and maintain: (1) a 6-meter by 3-meter box culvert and a 6-meter by 3-meter stream enclosure; (2) a 6-meter by 3-meter box culvert—located along the channel of Little Muddy Creek (TSF) (Terre Hill, PA Quadrangle N: 22.3 inches; W: 5.27 inches—N: 22.5; W: 5.12 inches respectively); (3) a concrete bridge having a single span of 20 meters with an average clearance of 2.9 meters—to an unnamed tributary to Little Muddy Creek (TSF); (4) a concrete bridge having a single span of 20 meters with an underclearance of 3 meters—over Little Muddy Creek (TSF); (5) a 2.4-meter by 2.1-meter stream enclosure—to an unnamed tributary to Wyomissing Creek (CWF); (6) a 2.7-meter by 2.1-meter stream enclosure; (7) to relocate about 238 meters of stream channel—located in the channel of Kline's Creek (CWF); and (8) fill in 5.20 acres of wetlands (Sinking Springs, PA Quadrangle N: 0.01 inch; W: 4.65 inches—N: 1.13 inches; W: 4.9 inches—N: 5.7 inches; W: 2.5 inches—N: 6.4 inches; W: 2.15 inches—N: 6.5 inches; W: 2.05 inches—N: 1.1 inches; W: 4.9 inches—respectively). All activities are in connection with the widening and improvement of U.S. Route 222 located in Brecknock, Cumru and Spring Townships, Berks County. The applicant is required to provide 5.20 acres of replacement wetlands.

E06-571. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103 in the City of Reading, **Berks County**, ACOE Philadelphia District.

To construct and maintain a concrete bridge having a single span of 76.4 feet with a minimum underclearance of 27.8 feet across Angelica Creek (CWF) on SR 0010, Section 01B, Segment 0280, Offset 2079 located about 0.8 mile north from its intersection with SR 724 (Reading, PA Quadrangle N: 11.05 inches; W: 6.9 inches) in the City of Reading, Berks County.

E31-178. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110 in Carbon Township, **Huntingdon County**, ACOE Baltimore District.

To remove existing structures and to construct and maintain a 14-foot by 6-foot concrete box culvert in the channel of Miller Run (WWF) at a point approximately 6,500 feet upstream of its mouth (Saxton, PA Quadrangle N: 18.9 inches; W: 7.2 inches) and to construct and maintain a 47-inch by 71-inch corrugated metal arch culvert in the channel of Kennedy Run (WWF) at a point approximately 100 feet upstream of its mouth (Saxton, PA Quadrangle N: 19.9 inches; W: 5.6 inches) in Carbon Township, Huntingdon County.

E31-181. Huntingdon County Commissioners, 223 Penn Street, Huntingdon, PA 16652 in Shirley Township, **Huntingdon County**, ACOE Baltimore District.

To rehabilitate and maintain an existing two-span bridge having spans of 127-feet, 11-inches and 128-feet, 3-inches across the channel of Aughwick Creek (TSF) at a point at Runk Road (T-373) (Butler Knob, PA Quadrangle N: 5.1 inches; W: 1.75 inches) in Shirley Township, Huntingdon County.

E36-724. Lancaster County Commissioners, 50 N. Duke Street, Lancaster, PA 17606 in Lancaster Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing two-span steel through truss bridge and construct and maintain a two-span (approximately 65'10" and 55'2") prestressed concrete box beam replacement bridge across the Little Conestoga Creek (WWF) at a point along School House Road approximately 300 feet northwest of the intersection of School House Road and Stone Mill Road along School House Road (Lancaster, PA Quadrangle N: 5.2 inches; W: 13.5 inches) in Lancaster Township, Lancaster County.

E67-713. Mid-Atlantic Realty Trust, 170 West Ridgely Road, Luterville, MD 21093 in Shrewsbury Borough and Hopewell Township, **York County**, ACOE Baltimore District.

To: (1) extend an existing 72-inch corrugated metal pipe culvert by 30 feet, 15 feet on each side of the culvert; (2) remove an existing 30-inch corrugated metal pipe and construct a 72-inch corrugated metal pipe and construct an 8-inch sanitary sewer pipe across an unnamed tributary to Deer Creek; (3) construct a 21-inch, a 24-inch and a 10-inch outfall stormwater discharge pipe; (4) remove an existing 5.5-foot by 7-foot concrete box culvert and construct and maintain a 4.5-foot by 10-foot precast concrete box culvert; (5) enclose 140 feet of stream channel originating from an existing spring box; and (6) relocate and maintain approximately 490 linear feet of Deer Creek (CWF) for construction of the Shrewsbury Commercial Center located between I-83, Route 851 and Mount Airy Road (Glen Rock, PA Quadrangle N: 4.25 inches; W: 6.5 inches) in Shrewsbury Borough and Hopewell Township, York County.

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

E12-129. Department of Conservation and Natural Resources, Bureau of Forestry, R. R. 4, Box 212, Suite 1, Emporium, PA 15834. Bridge over Wyckoff Run, in Gibson Township, **Cameron County**, ACOE Baltimore District (Driftwood, PA Quadrangle N: 5.25 inches; W: 2 inches).

To construct, operate and maintain a walk bridge having a span of 38 feet and having an underclearance of 5 feet in the center and 3 feet along the stream banks. The new structure is intended to be built 30 yards downstream of the previous structure's location and will be constructed of pressure treated lumber. The previous structure collapsed along the hiking trail, and any portion remaining shall be removed and the area restored to natural stream banks. This project is located 4.25 miles south on Wyckoff Road from the intersection with SR 120. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-367. Reliant Energy Northeast Management Company, 1001 Broad Street, Box 1050, Johnstown, PA 15907-1050. Expansion of Shawville Flyash Disposal Site, in Bradford Township, **Clearfield County**, ACOE Baltimore District (Lecontes Mills, PA Quadrangle N: 15.4 inches; W: 10.5 inches).

To fill 0.17 acre of palustrine wetland to facilitate the expansion of the Shawville flyash disposal site. Onsite mitigation will be conducted to create 0.27 acre of replacement wetlands. The site is located east of SR 879 about 0.5 mile east of the Village of Gray (Latitude: 41 degrees, 3 minutes, 28 seconds; Longitude: 78 degrees, 21 minutes, 56 seconds) in Bradford Township, Clearfield County.

E19-224. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218,

Montoursville, PA 17754. Box beam bridge in Sugarloaf Township, **Columbia County**, ACOE Baltimore District (Red Rock, PA Quadrangle N: 4.28 inches; W: 11.37 inches).

To remove the existing 19-foot reinforced concrete I-beam bridge which is on a skew of 45 degrees with a curb-to-curb width of 20.3 feet, a hydraulic opening of 104.5 square feet and a design underclearance of 5.5 feet and to construct and maintain a 25-foot prestressed reinforced spread box beam bridge placed on a skew of 55° left ahead with a curb-to-curb width of 40 feet and a hydraulic opening of 148 feet. The project is located on SR 0487, Segment 0760, Offset 1321 over Coles Creek approximately 2 miles south of the intersection of SR 487/SR 118 in Sugarloaf Township, Columbia County.

E47-075. Mahoning Township, 1101 Bloom Road, Danville, PA 17821. Unnamed tributary to Sechler Run, in Mahoning Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 16.6 inches; W: 14.2 inches).

To construct a low flow channel in an unnamed tributary to Sechler Run. The low flow channel will be constructed for 100 linear feet between stations 3+60 and 4+60 as noted on the permit drawings. The channel width shall be no greater than 3 feet and no deeper than 0.8 foot from the current bed elevations. Toe protection consisting of R-4 riprap shall be installed within this reach to a minimum height of top of existing bank or top of existing low bench. All remaining unprotected slopes within the channel shall be stabilized with turf reinforcement fabric as noted in the permit drawings. This permit only authorizes this work once and does not authorize maintenance of this reach. This permit also includes 401 Water Quality Certification.

E49-263. Sunbury Social Club, 352 East Drive, Sunbury, PA 17801. Water Obstruction and Encroachment Permit application, in Upper Augusta Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 1.64 inches; W: 4.6 inches).

To construct and maintain a 64-foot by 40-foot non-residential picnic pavilion and a 14-foot by 20-foot breezeway, which is located in the floodway of the North Branch of the Susquehanna River located along the southern right-of-way of East Drive on the Island in Upper Augusta Township, Northumberland County. This permit was issued under section 105.13(e) Small Projects.

E59-424. Department of Conservation and Natural Resources, Bureau of Forestry, 1 Nessmuk Lane, Wellsboro, PA 16901. Bridge crossing Long Run, in Liberty Township, **Tioga County**, ACOE Baltimore District (Nauvoo, PA Quadrangle N: 19.4 inches; W: 9.65 inches).

To construct, operate and maintain a single-span bridge structure with an underclearance of 6 feet and a span of 36 linear feet located over Long Run. The bridge structure shall be located in the same location as an existing ford crossing and shall replace the ford. The project is located on the abandoned Long Run Railroad. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E59-428. Francis and Carol Crew, 155 Warwick Road, Elvenson, PA 19520. Crew Crossing, in Clymer Township, **Tioga County**, ACOE Baltimore District (Sabinsville, PA Quadrangle N: 15.2 inches; W: 12.5 inches).

To construct, operate and maintain a 5.5-foot by 10-foot concrete box culvert with associated wing walls at the inlet and the outlet of the culvert. This project is on

Wattles Run and replaces an existing ford crossing. This project is located 1.4 miles northwest of the intersection with SR 349 and SR 4001 on SR 4001. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E10-343. Butler Auto Auction, 21095 Route 19, Cranberry Township, PA 16066. Butler Auto Auction Overflow Vehicle Storage Facility, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 1.9 inches; W: 15.9 inches).

To fill a total of 0.67 acre of wetland, a small pond and the channels of tributaries to Brush Creek having contributory drainage areas less than 100 acres for site grading associated with construction of parking areas for storage of vehicles from the Butler Auto Auction north of SR 528 approximately 0.5 mile east of SR 19. Project proposes compensation for the permanent wetland impact through the breach and modification of a 0.85 acre pond to create 0.67 acre of wetland, stream bank protection along approximately 1,200 feet of a tributary to Brush Creek and implementation of a manure management plan for the adjoining rat farm operation.

E20-512, Marianne Cerula, 1125 Broughton Road, Pittsburgh, PA 15236. Cerula Dock, **Crawford County**, ACOE Pittsburgh District (Lake Canadohta, PA Quadrangle N: 10.6 inches; W: 11.8 inches).

To renovate and maintain an existing 40-foot private dock, located on Lake Canadohta, by replacing the boards on the walkway using the existing supports and the construction of a new 8-foot section to include support, frame and walkway. Also, to construct and maintain a 48-foot seasonal floating dock extension to be added at the end of the 8-foot new construction. The total length of the permanent dock and floating dock will equal 96 feet. The total acreage of the project is 0.119 acre.

E42-291, Pennsylvania Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. SR 1011, Section A01 Across Knapp Creek, in Eldred Township, **McKean County**, ACOE Pittsburgh District (Eldred NY-PA Quadrangle N: 16.2 inches; W: 3.5 inches).

To remove the existing structure and to construct and maintain a single-span composite prestressed I-beam bridge having a clear span of 126 feet and an under clearance of 24 feet on a 90° skew across Knapp Creek on SR 1011, Section A01, approximately 350 feet north of the SR 011 and SR 0346 intersection. Project includes temporary impact to 0.005 acre of wetland, installation and maintenance of a temporary construction stream crossing across the channel of the Knapp Creek consisting of clean rock fill and four 30-inch-diameter corrugated metal pipes and stream bank stabilization using riprap spurs and willow plantings to stabilize portions of the stream bank upstream of the bridge.

E42-293, University of Pittsburgh Bradford, 300 Campus Drive, Bradford, PA 16701. Frame-Westerberg Commons Building Addition, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA-NY, PA Quadrangle N: 12.3 inches; W: 6.6 inches).

To construct and maintain an addition onto the northwest corner of the existing Frame-Westerberg Commons building measuring approximately 80 feet wide by 90 feet long and associated landscaping and paving partially within the 100-year flood plain of West Branch Tunungwant Creek east of Campus Drive approximately 1,500 feet west of Dorothy Lane.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-64-001	Peter Swift United States Department of Justice Federal Bureau of Prisons 320 First Street, NW Washington, DC 20534	Wayne	Canaan Township	1 AST-storing Class II Diesel	20,000 gallons
				1 AST-storing Gasoline	6,000 gallons
				1 AST-storing Diesel	2,000 gallons

SPECIAL NOTICES

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERC) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO_x), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide, lead, oxides of sulfur, particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the EPA.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Rexam Beverage Can Company County: Lehigh, PA Ozone Nonattainment Status: Moderate Contact Person: Geoffrey A. Wortley (773) 399-3389	VOCs	22.70	11/06/2002	Trading
National Fuel Gas Supply Corp. Source: Roystone Compressor Station County: Warren, PA Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young (814) 871-8657	NO _x	103.30	12/28/2002	Internal Use and Trading
U.S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato (215) 897-1809	NO _x	30.50	3/31/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Derrick Schweitzer (215) 632-2300	VOCs	84.35		Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone Nonattainment Status: Moderate Contact Person: Robert Trbovich (412) 983-6161	VOCs	4.70	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Donald R. Schneider (412) 652-5531	NOx	214.00	4/02/2003	Trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: William E. Knight (717) 355-4903	NOx VOCs	4.00 78.00	1/22/2003	Trading
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Michael West (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: John M. Arnold (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller (412) 762-5263	VOCs	41.70	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreasers (151 and 152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald (717) 771-7346	VOCs VOCs	12.20 2.70	06/01/2006 10/01/2005	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248	NOx SOx	9.42 51.05	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr. (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading
Dominion Transmission, Inc. CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleigh (304) 623-8462	NOx VOCs	15.28 0.55	10/27/2004	Internal Use and Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler (610) 694-5104	NOx VOCs	1054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	6/30/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Meritor Heavy Vehicle Systems LLC Source Location: New Castle County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Harry Klodowski (412) 281-7997	NOx	54.40	5/31/2003	Trading
Recipient/Holder of ERC: Dominion Energy, Inc. ERC Generating Facility: Superpac, Inc. ERC-generating facility location: Southampton, Bucks County Ozone nonattainment status: Severe Contact Person: David H. Testa (412) 690-1815	VOCs	3.90 4.20 4.70	11/23/2002 1/8/2003 9/30/2003	Trading
National Fuel Gas Supply Corporation Sources: Generators, No. 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy (814) 875-2427	VOCs	44.20	Varies from 12/31/2003 to 12/31/2005	Internal Use/ Trading
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: John A. Rossi	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr (412) 384-4259	NOx VOCs PM-10	0.30 0.02 0.24	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Jim Brogan (717) 833-6022	NOx VOCs PM	136.00 237.67 99.92	5/3/2009	Internal Use/ Trading
Recipient/Holder of ERC: Air Resources Group, LLC ERC Generating Facility: Cogentrix of Pennsylvania, Inc. ERC-generating facility location: Ringgold Township County: Jefferson County Ozone nonattainment status: Moderate Contact Person: David Alexander	NOx	658.72	9/1/2010	
Cogentrix of Pennsylvania, Inc. Source Location: Ringgold Township County: Jefferson County Ozone nonattainment status: Moderate Contact Person: Tracy Patterson (804) 541-4246	VOCs	31.61	9/1/2010	Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading
Caparo Steel Company Source Name: Anneal Pickle Line and Coating Line Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	9.10 0.17	11/9/2002	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: R. M. Zavoda (216) 429-6542	NOx VOCs	1663.00 437.00	2/28/2008	Trading/ Internal Use
Kurz-Hastings, Inc. Source Location: Philadelphia County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Derrick Schweitzer (215) 632-2300	VOCs	53.10		Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	45.00	7/14/2010	Trading
Smith-Steelite Plant: Emsworth Manufacturing Facility Ozone Nonattainment Status: Moderate Contact Person: Wm. K. Shadle (412) 299-8167	VOCs	7.32	6/7/2004	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Koppers Industries, Inc. Source Location: Monessen Coke Works County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Traci Self (412) 227-2883	NOx VOCs	129.00 1.60	9/30/2002	Internal Use/ Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Allegheny Ludlum Corp. Sources: Three electric arc furnaces Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo (724) 226-5947	NOx	7.78	7/31/2004	Trading
Armstrong World Industries Source Location: Beaver Falls County: Beaver Ozone Nonattainment Status: Moderate Contact Person: Wayne Pease (412) 843-5700	VOCs	6.00	4/30/2003	Trading
Rohm & Haas County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Frank Jackson (215) 537-4000	VOCs	27.50 6.10	3/26/2003 7/31/2003	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO SOx	15.47 0.68 14.86	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO SOx	2.82 44.34 0.57 5.01	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1217.95		Trading
Sun Company, Inc. Sources: Separators Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini (610) 859-1000	VOCs	81.88	9/30/2004	Trading/ Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Joseph Timcik (610) 935-4000	VOCs	12.4	5/31/2004	Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
Bethlehem Steel Corporation Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	3.00 26.47	12/31/2002	Trading

Summary of ERC Transactions

The following ERC transactions are approved by the Department's Bureau of Air Quality. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

ERC Holder/Generating Facility Information

ERC Generating Facility Name: Dominion Transmission Corporation
Location of Source: Leidy Compressor Station, Clinton County, PA
Certified ERCs (tpy): 39.28 tpy of NOx and 0.55 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 24 tpy of NOx
Date of ERCs Transfer: 4/12/2002
ERCs available for future use: 15.28 tpy of NOx and 0.55 tpy of VOCs

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Armstrong Energy Limited Partnership, L.L.L.P.
Location of Source: Southbend Township, Armstrong County, PA
Plan Approval Number: 03-975B
NOx credits used: 0
NOx credits available for future use: 24 tpy

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of June 2002, the Department of Environmental Protection (Department), under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gerald Aubrey	1517 Daws Road Blue Bell, PA 19422	Testing
William Barroner	R. D. 2 Box 231A Williamsburg, PA 16693	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Paul Bellina	1239 Browning Court Lansdale, PA 19446	Mitigation
Don Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Joseph Cocalis	119 Wright Street Point Marion, PA 15474	Mitigation
Donald Dietrich	131 Shire Lane Wernersville, PA 19565	Testing
Theresa Edwards	215 Kelso Circle Collegeville, PA 19426	Testing
David Grammer Stone Ridge Radon/Radata, Inc.	27 Ironia Road, Unit 2 Flanders, NJ 07836	Mitigation
James F. Andrews Enterprises	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Timothy Kennedy	15 North Legend Road Shavertown, PA 18708	Testing
Robert Kerecz	634 West Broad Street Bethlehem, PA 18018	Mitigation
Jeffrey Krupa	419 East Erie Avenue St. Mary's, PA 15857	Testing
Harry Lehman	3589 Gray Fox Drive Chalfont, PA 18914	Mitigation
Gerald Mutter	PMB 322, 1700 Sullivan Trail Easton, PA 18040	Testing
Roman Paul	P. O. Box 731 Valley Forge, PA 19482	Testing
Peter Piazza	1133 Brookside Drive Greensburg, PA 15601	Testing
Quality Home Services of Delaware Valley, Inc.	700 Braxton Road Ridley Park, PA 19078	Testing
Swindell Enterprises, Inc.	227 Locust Street, Box 12 Alum Bank, PA 15521	Testing
Michael Tokarczyk	753 Lutzville Road Everett, PA 15537	Mitigation
James Wenger Pocono Environmental Labs	301 Route 940 Mount Pocono, PA 18344	Testing
Dennis Workman	P. O. Box 100 Kimberton, PA 19442	Testing

Public Meeting and Hearing Concerning Dougherty and Lehman NPDES-CAFO Permit Applications

Limestone Township, Lycoming County

The Department of Environmental Protection (Department) will hold a public meeting, followed by a public hearing, to discuss two separate National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) General Permit applications for facilities proposed in Limestone Township, Lycoming County. The public meeting will be held at 6:30 p.m. on Thursday, September 5, 2002, at the Jersey Shore High School Auditorium, 701 Cemetery Street, Jersey Shore, PA. A public hearing will follow the meeting and will begin at 8 p.m. The two applicants are Charles L. and Michelle L. Dougherty and Michael V. and Dorothea A. Lehman. Both applications will be addressed during the same meeting/hearing.

During the public meeting, Department staff will review the information submitted in the Notice of Intent for

Coverage for CAFO NPDES General Permit (PAG-12) applications for the two proposed facilities and answer questions from the public. The meeting is also intended as an opportunity for the public to obtain information regarding the Department's permitting and inspection programs for CAFOs in general. Presentations and testimony will not be permitted during the meeting.

During the public hearing, individuals may present oral testimony for a maximum of 5 minutes regarding the two General Permit applications. Written testimony of any length also will be accepted. The oral testimony will be recorded by a court reporter and transcribed into a written document. The Department will respond in writing to all pertinent questions or comments at the time it makes a final decision on the applications.

The permit applications are available for public review at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA, Monday through Friday between 8 a.m. and 4 p.m. The permit

applications have also been made available to Limestone Township. An appointment to review the applications at the Department office must be made by contacting Kathy Arndt at (570) 327-3693. Inquiries may also be made to the Limestone Township office regarding a review at (570) 745-3478.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact Daniel T. Spadoni at (570) 327-3659 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Public Hearing on Proposed Commercial Building Site in Unity Township, Westmoreland County

The Department of Environmental Protection (Department) will hold a public hearing on August 21, 2002, at 7 p.m. at the Latrobe Elementary School Auditorium, 1501 Ligonier Street, Latrobe, PA. The purpose of the hearing is to receive public comment on an application for a water obstruction and encroachment permit to place and maintain fill in 0.72 acre of wetlands and approximately 750 linear feet of an intermittent watercourse in the watershed of unnamed tributaries to Ninemile Run (WWF) for the purpose of a commercial site development for Wal-Mart and Lowe's Improvement Warehouse. The site is located along SR 30, approximately 0.5 mile south of the intersection of Theater Drive (T-898) and SR 30 (Latrobe Quadrangle N: 6.9 inches; W: 1 inch), in Unity Township, Westmoreland County.

Persons may also comment on a notice of intent for coverage under the general National Pollution Discharge Elimination System (NPDES) permit for discharges of stormwater associated with construction activities.

Persons interested in testifying at the hearing should contact Betsy Mallison at (412) 442-4182 by August 20, 2002. The Department will accept public comments until October 21, 2002. Comments should be sent to Tim Dreier, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4182 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 02-1259. Filed for public inspection July 19, 2002, 9:00 a.m.]

Alternative Fuels Incentive Grant Program

The Department of Environmental Protection (Department) Bureau of Air Quality announces the first opportunity to apply under Cycle 10 of a program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas, liquefied natural gas, liquid propane gas, ethanol, methanol, hydrogen, hythane, electricity, coal-derived liquid fuels and fuels derived from biological materials. Grant funds can be used to pay for the difference between an alternative fuel vehicle and a conventional gasoline or diesel vehicle, to convert an existing gasoline vehicle to operate on an alternative fuel, to purchase a new energy efficient hybrid

electric vehicle, to purchase and install a refueling or recharging facility or to evaluate new alternative fuel technologies.

Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, nonprofit entities and corporations or partnerships incorporated or registered in this Commonwealth and Commonwealth residents. Grants awarded for hybrid electric vehicles will be in the amount of \$1,500. Other grants awarded in this funding cycle will cover up to 20% of the applicant's eligible costs.

Grant applications can be requested by contacting Virginia Harris, Department of Environmental Protection, Alternative Fuels Incentive Grant Program, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3429, fax (717) 772-2303, e-mail vharris@state.pa.us. Applications must be received by the Department by 4 p.m. on Tuesday, October 1, 2002. Project costs cannot be incurred before the submittal of an application during the open opportunity. Specify the project type when requesting an application package. The application package also may be obtained through the PA PowerPort at www.state.pa.us or directly at www.dep.state.pa.us (direct LINK "alternative fuels").

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1260. Filed for public inspection July 19, 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 "June 2002 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 the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

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 questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 253-0300-100. Title: Land Recycling Program Technical Guidance Manual—Section IV. A.4, Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2, Statewide Health Standard. Description: Department staff members of the Cleanup Standards Scientific Advisory Board recently developed guidance under Act 2 that addresses the vapor intrusion of contaminants into buildings and below grade occupied spaces from groundwater and soils. This guidance provides a decision matrix along with indoor air criteria, which can be applied under the Statewide Health Standard residential and non-residential exposure situations. The intent of this guidance is to prevent or mitigate unacceptable indoor air intrusion of contaminants from soil and groundwater. Comment Period Ends: August 19, 2002. Anticipated Effective Date: October 26, 2002. Contact: Randy Roush at (717) 787-4941 or e-mail at raroush@state.pa.us.

Final Technical Guidance

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: This document is written for the purpose of: (1) meeting the requirements of the Safe Drinking Water Act; (2) helping to ensure this Commonwealth's continued eligibility to receive Federal funding to support the operator certification program; and (3) identifying and implementing specific sections of the amended Water and Wastewater System Operators Certification Act in a manner to provide a smooth program transition as a result of these amendments until promulgation of final rules and regulations by the Environmental Quality Board. Effective Date: The interim program went into effect on July 1, 2002, and with this publication the final guidelines become effective. Contact: Foster Diodato at (717) 772-4053 or e-mail at fdiodato@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1261. Filed for public inspection July 19, 2002, 9:00 a.m.]

Environmental Justice Advisory Board Meetings

The Environmental Justice Advisory Board meetings are scheduled for September 4, 2002, and November 15, 2002, from 9 a.m.—4 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning these meetings can be directed to Lorraine Wagner at (717) 783-1566 or e-mail to lowagner@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided in the Americans With Disabilities Act of 1990 should contact Lorraine Wagner at (717) 783-1566 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1262. Filed for public inspection July 19, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH**Application of Abington Memorial Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Abington Memorial Hospital 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.A4 (relating to handwashing stations in patient rooms), 7.3.A8 (relating to handwashing stations in critical care units) and 7.8.A2(5) (relating to staff lounges in obstetrical suites).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1263. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Barnes Kasson County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Barnes Kasson County Hospital 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: 7.13.C7 (relating to accessibility of patient dressing areas, showers and lockers in Rehabilitation Therapy Department) and 7.13.D4 (relating to activities of daily living teaching area for occupational therapy services).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1264. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3(c) (relating to notification).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1265. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Community Hospital of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Community Hospital of Lancaster has requested an exception to the requirements

of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.7.A1 (relating to size of general operating rooms in surgical suites).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1266. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Coordinated Health System—Orthopedic Specialty Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Coordinated Health System—Orthopedic Specialty Center 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: 7.7.A1 (relating to size of general operating rooms in surgical suites), 7.7.A2 (relating to size of operating rooms for special procedures), 7.7.A3 (relating to sinks with plaster traps in rooms for orthopedic surgery), 7.7.B1 (relating to preoperative patient holding areas), 7.7.B2 (relating to size and design of post-anesthetic care units and bed space), 7.7.C10 (relating to equipment storage rooms) 7.7.C14 (relating to size and design of Phase II recovery areas), 7.7.C17 (relating to patient holding areas), 7.7.C20 (relating to areas for preparation and examination of frozen sections), 7.32.E (relating to electrical standards/receptacles) and 7.5 (relating to station outlets for oxygen, vacuum and medical air systems).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1267. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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 7120, (717) 783-8980, fax (717) 772-2163, e-mail ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1268. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1269. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.7.A4 (relating to size of rooms for surgical cystoscopic and other endo-urologic procedures).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1270. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Memorial Hospital York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Hospital York has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterization).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1271. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of Mercy Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(a)(2) (relating to criteria for ambulatory surgery).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT:

(717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1272. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application of North Philadelphia Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that North Philadelphia Health System has requested an exception to the requirements of 28 Pa. Code § 107.4(a) (relating to medical staff status).

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 ra-paexcept@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 require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1273. Filed for public inspection July 19, 2002, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under

the influence of alcohol or controlled substance) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of the laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, ext. 3273.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe
542 FORBES AVENUE
ROOM 10, COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
412-350-6873

AMERICAN MEDICAL LABORATORIES INC—SBSe, CBSe
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
703-802-6900

ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe
1680-D LORETTA AVENUE
FEASTERVILLE, PA 19053
215-322-9210

CLINICAL LABORATORIES INC—SBSe, CBSe
901 KEYSTONE INDUSTRIAL PARK
THROOP, PA 18512-1534
570-346-1759

DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
215-662-6880

DRUGSCAN INC—SBSe, CBSe
1119 MEARNS ROAD
PO BOX 2969
WARMINSTER, PA 18974
215-674-9310

GOOD SAMARITAN HOSPITAL—SSe
4TH & WALNUT STREETS
PO BOX 1281
LEBANON, PA 17042-1218
717-270-7500

GUTHRIE CLINIC PATH LAB—SSe
GUTHRIE SQUARE
SAYRE, PA 18840
570-888-5858

HEALTH NETWORK LABORATORIES—SBSe, CBSe
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
610-402-8150

LABCORP OCCUPATIONAL TESTING SER—SBSe, CBSe
1904 ALEXANDER DRIVE
RESRCH TRNGL PARK, NC 27709
919-549-8263

LANCASTER REGIONAL MED CENTER—SSe
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
717-291-8022

MEDTOX LABORATORIES INC—SBSe, CBSe
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
612-636-7466

MERCY HEALTH LAB/MFH—SSe
1500 LANSDOWNE AVENUE
DARBY, PA 19023
610-237-4262

MERCY HEALTH LAB/MHOP—SSe
54 AND CEDAR AVENUE
PHILADELPHIA, PA 19143
215-748-9181

NATIONAL MED SERVICES INC LAB—SBSe, CBSe
3701 WELSH ROAD
WILLOW GROVE, PA 19090
215-657-4900

PITTSBURGH CRIMINALISTICS—SBSe, CBSe
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
412-391-6118

QUEST DIAGNOSTICS OF PA INC—SBSe, CBSe
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7600

QUEST DIAGNOSTICS VENTURE LLC—SBSe, CBSe
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7631

ST JOSEPH QUALITY MEDICAL LAB—SBSe, CBSe
215 NORTH 12TH STREET BOX 316
READING, PA 19603
610-378-2200

TOXI-CON LABORATORY—SB
201 SMALLCOMBE DRIVE
SCRANTON, PA 18508
570-963-0722

WESTERN RESERVE CARE SYSTEM—SSe, CSe
500 GYPSY LANE
YOUNGSTOWN, OH 44504
216-740-3794

VVHCS HOSP PENNANT LABORATORY—SSe
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
570-829-8111

YORK HOSPITAL—SSe
1001 SOUTH GEORGE STREET
YORK, PA 17405
717-851-2345

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1274. Filed for public inspection July 19, 2002, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence

of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, ext. 3273.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

ABINGTON MEMORIAL HOSPITAL-S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

ACCU-CHEM LABORATORIES-SC
990 NORTH BOWSER RD STE 800/880
RICHARDSON, TX 75081
(872) 234-5412

ACM MEDICAL LABORATORY-SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
(716) 429-2264

ACT LAB SERVICES INC-SC
345 DRESHER ROAD
HORSHAM, PA 19044
(215) 674-0420

ADVANCED TOXICOLOGY NETWORK-SC
3560 AIR CENTER COVE SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

ALBERT EINSTEIN MED CTR NORTH-S
5501 OLD YORK ROAD
PHILADELPHIA, PA 19141
(215) 456-6100

ALIQUIPPA COMM HOSP PATHOLOGY DEPT-S
2500 HOSPITAL DR-PATHOLOGY DEPT
ALIQUIPPA, PA 15001
(724) 857-1238

ALLEG CNTY CORONERS DIV OF LABS-S
542 FORBES AVENUE
ROOM 10 COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
(412) 350-6873

ALLEGHENY CLINICAL LABORATORIES-S
320 EAST NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-3521

ALTOONA HOSPITAL-S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 946-2340

AMERICAN MEDICAL LABORATORIES INC-SC
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

AMMON ANALYTICAL LABORATORY-SC
600 BLOY STREET
HILLSIDE, NJ 07205
(908) 624-0004

ANALYTIC BIO-CHEMISTRIES INC-SC
1680-D LORETTA AVENUE
FEASTERVILLE, PA 19053
(215) 322-9210

ASSOCIATED CLINICAL LABORATORIES-SC
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

AUH-FORBES REGIONAL-S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560

AYER CLINICAL LAB-PENN HOSPITAL-S
8TH & SPRUCE STS
PHILADELPHIA, PA 19107
(215) 829-3541

BARNES KASSON COUNTY HOSPITAL-S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-3135

BENDINER & SCHLESINGER INC-SC
47 THIRD AVENUE
NEW YORK, NY 10003
(212) 254-2300

BIOLOGICAL SPECIALTY CORPORATION-S
2165 NORTH LINE STREET
COLMAR, PA 18915
(215) 997-8771

BIOLOGICAL SPECIALTY CORPORATION-S
3671 HULMEVILLE ROAD
BENSALEM, PA 19020
(215) 245-9855

BIOLOGICAL SPECIALTY CORPORATION-S
502 PENN STREET
READING, PA 19602
(610) 375-9862

BIOREFERENCE LABORATORIES INC-SC
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600

BON SECOURS-HOLY FAMILY REG HLTH-S
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
(814) 949-4495

BRADFORD HOSPITAL LAB-S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247

BRANDYWINE HOSPITAL-S
201 REECEVILLE ROAD ATTN: LABORATORY
COATESVILLE, PA 19320
(610) 383-8000

BROWNSVILLE GENERAL HOSPITAL LAB-S
125 SIMPSON RD
BROWNSVILLE, PA 15417
(724) 785-7200

CANONSBURG GENERAL HOSPITAL-S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-6100

CARLISLE REGIONAL MEDICAL CENTER-S
246 PARKER ST
CARLISLE, PA 17013
(717) 249-1212

CEDAR CREST EMERGICENTER-S
1101 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
(610) 433-4260

CENTRAL MONTGOMERY MEDICAL CENTER-S
100 MED CAMPUS DRIVE
LANSDALE, PA 19446
(215) 368-2100

CENTRE COMMUNITY HOSPITAL-S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

CHAMBERSBURG HOSPITAL-S
112 NORTH SEVENTH ST
CHAMBERSBURG, PA 17201
(717) 267-7152

CHARLES COLE MEMORIAL HOSPITAL-S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-9300

CHESTER COUNTY HOSPITAL-S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182

CHESTNUT HILL HOSPITAL-S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
(215) 248-8630

CHILDRENS HOSP OF PHILADELPHIA-S
ONE CHILDREN'S CENTER 34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-1000

CLARION HOSPITAL-S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-9500

CLINICAL LABORATORIES INC-SC
901 KEYSTONE INDUSTRIAL PARK
THROOP, PA 18512-1534
(570) 346-1759

CLINICAL SCIENCE LABORATORY INC-S
51 FRANCIS AVENUE
MANSFIELD, MA 02048
(508) 339-6106

COMMUNITY HOSPITAL OF LANCASTER-S
1100 EAST ORANGE STREET
LANCASTER, PA 17602
(717) 397-3711

COMMUNITY MEDICAL CENTER-S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000

CONEMAUGH VALLEY MEMORIAL HOSP-S
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905-4398
(814) 534-9000

CORPORATE HEALTH SERVICES-S
1914 MERCER AVENUE
PO BOX 330
FARRELL, PA 16121
(724) 346-6425

CORRY MEMORIAL HOSPITAL-S
612 WEST SMITH STREET
CORRY, PA 16407
(814) 664-4641

CROZER CHESTER MED CENTER-S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000

DE JOHN MED LABORATORY INC-S
1570 GARRETT ROAD
UPPER DARBY, PA 19082
(610) 626-2112

DELAWARE COUNTY MEMORIAL HOSP-S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100

DENVER FAMILY PRACTICE-S
63 WEST CHURCH STREET
STEVENS, PA 17578
(717) 335-3311

DEPT OF PATHOLOGY & LAB MED-HUP-SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-6880

DOYLESTOWN HOSPITAL-S
595 W STATE ST
DOYLESTOWN, PA 18901
(215) 345-2250

DRUGSCAN INC-SC
1119 MEARNES RD, PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

DRUGSCAN INC - LIMERICK-S
SANATOGA RD & EVERGREEN RD
LIMERICK GENERATING STATION
SANATOGA, PA 19464
(610) 718-2055

DRUGSCAN INC—PEACH BOTTOM SITE-S
1848 LAY ROAD (ATOM ROAD)
DELTA, PA 17314
(717) 456-3026

EASTON HOSPITAL-S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4140

ELKINS PARK HOSPITAL-S
60 EAST TOWNSHIP LINE ROAD
ELKINS PARK, PA 19027
(215) 663-6102

EPHRATA COMMUNITY HOSPITAL-S
169 MARTIN AVE PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311

EPISCOPAL HOSPITAL LABORATORY-S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 427-7333

ERHC RIDGWAY LABORATORY-S
94 HOSPITAL STREET
RIDGWAY, PA 15853
(814) 788-5530

ERHC ST MARYS LABORATORY-S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

EVANGELICAL COMMUNITY HOSPITAL-S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

FITNESS FOR DUTY CENTER-S
PA POWER & LIGHT CO PO BOX 467
BERWICK, PA 18603
(570) 542-3336

FRANKFORD HOSP BUCKS CO CAMPUS-S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

FRANKFORD HOSPITAL FRANK DIV-S
FRANKFORD AVE & WAKELING ST
PHILADELPHIA, PA 19124
(215) 831-2068

FRANKFORD HOSPITAL—TORRES DIV-S
RED LION & KNIGHTS RDS
PHILADELPHIA, PA 19114
(215) 612-4000

FRICK HOSPITAL-S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

FRIENDS HOSPITAL-S
4641 ROOSEVELT BOULEVARD
PHILADELPHIA, PA 19124-2399
(215) 831-4771

FRIENDS MEDICAL LAB INC-SC
5820 SOUTHWESTERN BLVD
BALTIMORE, MD 21227
(412) 247-4417

GEISINGER MEDICAL CENTER-SC
N ACADEMY RD
DANVILLE, PA 17822
(570) 271-6338

GEISINGER WYOMING VALLEY MED CTR-S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 826-7830

GERMANTOWN COMM HLTH WILLOW TERR-S
ONE PENN BOULEVARD
PHILADELPHIA, PA 19144
(215) 951-8800

GHHA OCCUPATIONAL HEALTH-S
1000 ALLIANCE DRIVE
HAZLETON, PA 18201
(570) 459-1028

GNADEN HUETTEN MEMORIAL HOSP-S
11TH & HAMILTON STS
LEHIGHTON, PA 18235
(610) 377-1300

GOOD SAMARITAN HOSPITAL-S
4TH & WALNUT STS PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7500

GOOD SAMARITAN REGIONAL MED CTR-S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

GRADUATE HOSPITAL-S
1800 LOMBARD STREET
PHILADELPHIA, PA 19146
(215) 893-2240

GRAHAM-MASSEY ANALYTICAL LABS-SC
60 TODD ROAD
SHELTON, CT 06484
(203) 926-1100

GUTHRIE CLINIC PATH LAB-S
GUTHRIE SQUARE
SAYRE, PA 18840
(570) 888-5858

HAHNEMANN UNIVERSITY HOSPITAL-S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783

HANOVER GENERAL HOSPITAL-S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711

HARRISBURG HOSPITAL LABORATORY-S
SOUTH FRONT STREET
HARRISBURG, PA 17101
(717) 782-2832

HAZLETON GENERAL HOSPITAL-S
EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

HEALTH NETWORK LABORATORIES-S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-2236

HEALTH NETWORK LABORATORIES-S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150

HEALTH NETWORK LABORATORIES-S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259

HEALTH NETWORK LABORATORIES-SC
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

HEALTH QUEST MEDICAL LABS INC-S
2089 EAST HIGH STREET
WILLOWS PROFESSIONAL CAMPUS
POTTSTOWN, PA 19464-5023
(610) 327-2520

HOLY REDEEMER HOSPITAL-S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
(215) 947-3000

HOLY SPIRIT HOSPITAL-SC
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

INDIANA HOSPITAL DEPT OF LAB MED-S
HOSPITAL ROAD PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

J C BLAIR MEMORIAL HOSPITAL-S
WARM SPRINGS AVE
HUNTINGDON, PA 16652
(814) 643-8645

JEANES HOSPITAL-S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

JEANNETTE DISTRICT MEMORIAL HOSP-S
JEFFERSON AVE
JEANNETTE, PA 15644
(724) 527-3551

JENNERSVILLE REGIONAL HOSPITAL-S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

JERSEY SHORE HOSPITAL-S
1020 THOMPSON STREET
JERSEY SHORE, PA 17740
(570) 398-0100

KENSINGTON HOSPITAL-S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
(215) 426-8100

KROLL LABORATORY SPECIALISTS-SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989

LAB CORP OCCUPATIONAL TEST SRVCS-SC
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042

LAB OF PATHOLOGY & LAB MEDICINE-S
3601 A STREET
PHILADELPHIA, PA 19134
(215) 427-5337

LABCORP OCCUPATIONAL TESTING SER-SC
1904 ALEXANDER DRIVE
RESRCH TRNGL PARK, NC 27709
(919) 549-8263

LABCORP OF AMERICA HOLDINGS-SC
69 FIRST AVE PO BOX 500
RARITAN, NJ 08869
(201) 526-2400

LABONE INC-SC
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

LANCASTER GENERAL HOSPITAL-S
555 N DUKE ST PO BOX 3555
LANCASTER, PA 17603
(717) 299-5511

LANCASTER GENERAL HOSP-S US DIV-S
306 NORTH SEVENTH STREET
COLUMBIA, PA 17512
(717) 684-2841

LANCASTER REGIONAL MED CENTER-S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

LATROBE AREA HOSPITAL-S
121 WEST 2ND AVENUE
LATROBE, PA 15650
(724) 537-1550

LEWISTOWN HOSPITAL-S
HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 248-5411

LOCK HAVEN HOSPITAL LABORATORY-S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

MAGEE WOMENS HOSPITAL-S
FORBES AVE & HALKET ST
PITTSBURGH, PA 15213
(412) 647-4651

MAIN LINE CLIN LABS BRYN MAWR CP-S
130 BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

MAIN LINE CLIN LABS LANKENAU CP-S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

MAIN LINE CLIN LABS PAOLI MEM CP-S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

MARIAN COMMUNITY HOSPITAL-S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
(570) 281-1042

MEADVILLE MED CTR-LIBERTY ST-S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-3121

MEDICAL COLLEGE OF PA HOSPITAL-S
3300 HENRY AVENUE
PHILADELPHIA, PA 19129
(215) 842-7306

MEDTOX LABORATORIES INC-SC
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(612) 636-7466

MEMORIAL HOSPITAL LAB-S
1 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

MERCY HEALTH LAB/MFH-S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

MERCY HEALTH LAB/MHOP-S
54 AND CEDAR AVENUE
PHILADELPHIA, PA 19143
(215) 748-9181

MERCY HEALTH LAB/MSH-S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2090

MERCY HEALTH PARTNERS-S
746 JEFFERSON AVE
SCRANTON, PA 18510
(570) 348-7100

MERCY HOSPITAL LABORATORY-S
25 CHURCH STREET
PO BOX 658
WILKES-BARRE, PA 18765
(570) 826-3100

MERCY HOSPITAL LABORATORY-S
PRIDE & LOCUST STREETS
PITTSBURGH, PA 15219
(412) 232-7831

METHODIST HOSP DIVISION/TJUH INC-S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9059

MINERS HOSPITAL-S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
(814) 948-7171

MONONGAHELA VALLEY HOSP INC-S
COUNTRY CLUB RD RT 88
MONONGAHELA, PA 15063
(724) 258-1000

MONTGOMERY HOSPITAL LAB-S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173

MUNCY VALLEY HOSPITAL-S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

NASON HOSPITAL-S
NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-6215

NATIONAL MED SERVICES INC LAB-SC
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

NAZARETH HOSPITAL-S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

NORCHEM DRUG TESTING LABORATORY-SC
2016 NORTH FOURTH STREET STE 2
PO BOX 70000
FLAGSTAFF, AZ 86004
(520) 526-1011

OMEGA MEDICAL LABORATORIES INC-SC
2001 STATE HILL ROAD SUITE 100
WYOMISSING, PA 19610-1699
(610) 378-1900

PARKVIEW HOSPITAL-S
1331 EAST WYOMING AVENUE
PHILADELPHIA, PA 19124
(215) 537-7430

PARKWAY CLINICAL LABORATORIES-S
3494 PROGRESS DRIVE SUITE A
BENSALEM, PA 19020
(215) 676-2296

PENN STATE MILTON S HERSHEY MED CTR-S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

PENNSYLVANIA DEPT OF HEALTH-SC
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464

PHARCHEM INC TEXAS DIVISION-SC
7606 PEBBLE DRIVE
FORT WORTH, TX 76118
(817) 215-8826

PHOENIXVILLE HOSPITAL LABORATORY-S
140 NUTT RD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

PINNACLEHLTH/COMM GEN OSTEO HOSP-S
4300 LONDONDERRY RD
PO BOX 3000
HARRISBURG, PA 17109
(717) 657-7214

PITTSBURGH CRIMINALISTICS-SC
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

POCONO MEDICAL CENTER LAB-S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

POTTSTOWN MEMORIAL MED CENTER-S
1600 E HIGH ST
POTTSTOWN, PA 19464
(610) 327-7111

POTTSVILLE HOSP AND WARNE CLINIC-S
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262

PRESBYTERIAN MED CENTER OF PHILA-S
51 NORTH 39TH ST 5TH FLR RM 530
DEPARTMENT OF PATHOLOGY & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

PRINCETON BIOMEDICAL LABS INC-S
2921 NEW RODGERS ROAD
BRISTOL, PA 19007
(215) 785-5200

PSYCHEMEDICS CORPORATION-SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424

PUNXSUTAWNEY AREA HOSPITAL-S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-4500

QUEST DIAGNOSTICS CLIN LABS INC-SC
7600 TYRONE AVENUE
VAN NUYS, CA 91405
(818) 376-6195

QUEST DIAGNOSTICS CLINICAL LABS INC-S
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

QUEST DIAGNOSTICS INC-SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219

QUEST DIAGNOSTICS OF PA INC-SC
875 GREENTREE RD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

QUEST DIAGNOSTICS VENTURE LLC-SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

QUINTILES LABORATORIES LTD-SC
5500 HIGHLANDS PARKWAY SUITE 600
SMYRNA, GA 30082
(770) 434-8492

READING HOSPITAL & MED CTR-S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

REDWOOD TOXICOLOGY LABORATORY-SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
(707) 577-7958

RIDDLE MEMORIAL HOSPITAL-S
BALTIMORE PIKE HIGHWAY 1
MEDIA, PA 19063
(610) 566-9400

ROTHSVILLE FAMILY PRACTICE-S
2320 ROTHSVILLE ROAD
LITITZ, PA 17543
(717) 627-1214

ROXBOROUGH MEMORIAL HOSPITAL-S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

SACRED HEART HOSPITAL-S
4TH & CHEW STS
ALLENTOWN, PA 18102
(610) 776-4727

SAINT CLAIR MEMORIAL HOSPITAL-S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900

SAINT FRANCIS HOSPITAL OF NEW CASTLE-S
1000 S MERCER ST
NEW CASTLE, PA 16101
(724) 656-6111

SAINT LUKES HOSPITAL-S
801 OSTRUM ST
BETHLEHEM, PA 18015
(610) 691-4141

SAINT MARY MEDICAL CENTER-S
LANGHORNE - NEWTOWN RD
LANGHORNE, PA 19047
(215) 750-2162

SCIENTIFIC TESTING LABS INC-SC
463 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130

SERENITY HALL INC-S
414 WEST 5TH STREET
ERIE, PA 16507
(814) 459-4775

SEWICKLEY VALLEY HOSPITAL LAB-S
BLACKBURN RD & FITCH DRIVE
SEWICKLEY, PA 15143
(412) 741-6600

SHARON REGIONAL HEALTH SYSTEM-S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911

SOLDIERS & SAILORS MEM HOSP-S
CENTRAL AVE
WELLSBORO, PA 16901
(570) 724-1631

SOMERSET HOSPITAL LAB-S
225 S CENTER AVE
SOMERSET, PA 15501
(814) 443-5000

SOUTH HILLS HEALTH SYS-JEFFERSON-S
575 COAL VALLEY ROAD
P. O. BOX 18119
PITTSBURGH, PA 15236
(412) 469-5723

SPECIALTY LABORATORIES-S
2211 MICHIGAN AVENUE
SANTA MONICA, CA 90404
(310) 828-6543

ST FRANCIS HOSPITAL CRANBERRY-S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5300

ST FRANCIS MEDICAL CENTER-S
400-45TH STREET
PITTSBURGH, PA 15201-1198
(412) 622-4838

ST JOSEPH QUALITY MEDICAL LAB-SC
215 NORTH 12TH STREET BOX 316
READING, PA 19603
(610) 378-2200

ST JOSEPH'S HOSPITAL-DIV NPHS-S
16TH ST & GIRARD AVE
PHILADELPHIA, PA 19130
(215) 787-9000

ST LUKES HOSP ALLENTOWN CAMPUS-S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 439-4000

SUBURBAN GENERAL HOSPITAL-S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6000

SUNBURY COMMUNITY HOSPITAL-S
350 N 11TH ST
SUNBURY, PA 17801
(570) 286-3333

TAYLOR HOSPITAL DIV OF CCMC-S
175 E CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450

TECHNOW INC-S
31 INDUSTRIAL HIGHWAY
ESSINGTON, PA 19029
(610) 362-0610

TEMPLE EAST INC NE-S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
(215) 291-3671

TEMPLE LOWER BUCKS HOSPITAL LAB-S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9200

TEMPLE UNIVERSITY HOSPITAL-S
3401 N BROAD ST
PHILADELPHIA, PA 19140
(215) 707-4353

THE MEDICAL CENTER BEAVER PA-S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
(724) 728-7000

THOMAS JEFFERSON UNIVERSITY HOSP-S
125 SOUTH 11TH ST 204 PAVILION
PHILADELPHIA, PA 19107
(215) 955-6374

TITUSVILLE AREA HOSPITAL-S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851

TOXI-CON LABORATORY-SC
201 SMALLCOMBE DRIVE
SCRANTON, PA 18508
(570) 963-0722

UHS OF FAIRMOUNT INC-S
561 FAIRTHORNE AVENUE
PHILADELPHIA, PA 19128
(215) 487-4078

UNITED COMMUNITY HOSPITAL-S
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
(724) 450-7125

UPMC BEDFORD MEMORIAL-S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506

UPMC BRADDOCK-S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
(412) 636-5291

UPMC HORIZON-S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

UPMC HORIZON-S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

UPMC LEE REGIONAL HOSPITAL-S
320 MAIN STREET
JOHNSTOWN, PA 15901
(814) 533-0130

UPMC NORTHWEST-S
1 SPRUCE STREET
FRANKLIN, PA 16323
(814) 437-7000

UPMC PRESBYTERIAN SHADYSIDE CP PUH-SC
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

UPMC PRESBYTERIAN SHADYSIDE LAB SHDY-S
5230 CENTRE AVENUE
PITTSBURGH, PA 15232
(412) 622-2315

UPMC SAINT MARGARET HOSPITAL-S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

US DRUG TESTING LABORATORIES INC-SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770

VALLEY FORGE MED CTR & HOSP-S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
(610) 539-8500

WARMINSTER HOSPITAL-S
225 NEWTOWN ROAD
WARMINSTER, PA 18974
(215) 441-6700

WARREN GENERAL HOSPITAL-S
2 CRESCENT PARK
WARREN, PA 16365
(814) 723-3300

WAYNESBORO HOSPITAL-S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

WESTERN PENNSYLVANIA HOSPITAL-S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

WESTERN RESERVE CARE SYSTEM-SC
500 GYPSY LANE
YOUNGSTOWN, OH 44504
(216) 740-3794

WESTMORELAND HOSPITAL-S
532 W PITTSBURGH ST
GREENSBURG, PA 15601
(724) 832-4365

WILLIAMSPORT HOSP & MED CENTER-S
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

WVHCS HOSP PENNANT LABORATORY-SC
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

YORK HOSPITAL-S
1001 SOUTH GEORGE STREET
YORK, PA 17405
717-851-2345

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1275. Filed for public inspection July 19, 2002, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund) will hold a public meeting on September 18, 2002, from 10 a.m. to 2 p.m. in Room 812 Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000 Health and Welfare Building, Harrisburg, PA 17102, (717) 787-5900.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact William J. Neil at

(717) 787-5900, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1276. Filed for public inspection July 19, 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):

Village at Penn State Health Care Center
Fox Hollow Road
State College, PA 16801

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, e-mail PAEXCEPT@HEALTH.STATE.PA.US.

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. 02-1277. Filed for public inspection July 19, 2002, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 2806-16 et seq.), will hold a public meeting on Wednesday, July 17, 2002, at the Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA, in Conference Room 327, from 10 a.m. to 3 p.m.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services at (717) 772-4959.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact the Head Injury

Program at (717) 772-4959, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1278. Filed for public inspection July 19, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; Revised 2001 Common Level Ratio Real Estate Valuation Factor

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2001. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2002, to June 30, 2003. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
Allegheny	1.06

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1279. Filed for public inspection July 19, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding York County

Under section 2002(b) of The Administrative Code 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace on existing alignment the bridge, which carries SR 2075 over the North Branch of Muddy Creek near the Village of Laurel. The project is located in Chanceford and East Hopewell Townships in York County. Channel stabilization/restoration and habitat enhancement structures have been proposed to stabilize the streambank.

The subject project will require use of the National Register-eligible Laurel Train Station. The project will require acquisition of 0.004 hectare (0.01 acre) of land from the Laurel Train Station adjacent to SR 2075. In addition, a 0.047 hectare (0.117 acre) temporary construction easement will be required from the Laurel Train Station property in the grass area adjacent to the North Branch of Muddy Creek.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. Mitigation measures include use of form liners on the abutments, wingwalls and the exterior of the parapet walls to design a more historically sympathetic bridge. The temporary access road on the Laurel Train Station, needed to construct the stream stabilization measures, will be gravel, underlain with geotextile fabric.

After construction is complete, the gravel and geotextile fabric will be removed and the area reseeded.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1280. Filed for public inspection July 19, 2002, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission (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:

Barbara A. O'Day v. Department of Corrections; Doc. No. H-7422; (Human Relations Commission, June 25, 2002); Retaliation for having previously filed a complaint of discrimination by attempting to increase her rent and by ultimately evicting her from a Commonwealth-owned residence. Ruling for Complainant, 9-0 decision; 17 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. 02-1281. Filed for public inspection July 19, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-472	Department of Public Welfare TANF Program	07/08/02

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-371	Department of Transportation Liquid Fuels Tax Funds	07/08/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1282. Filed for public inspection July 19, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

UnitedHealth Group Incorporated has filed an application to acquire control of AmeriChoice of Pennsylvania, Inc., a Commonwealth domiciled health maintenance organization. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or e-mail rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1283. Filed for public inspection July 19, 2002, 9:00 a.m.]

Application for Domestic Certificate of Authority

Tuscarora Wayne Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The

filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or e-mail rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1284. Filed for public inspection July 19, 2002, 9:00 a.m.]

Marsolino Construction, Inc.; Prehearing

Appeal of Marsolino Construction, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 99-062(M); Doc. No. UT02-06-021

A prehearing telephone conference will be held on August 12, 2002, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 16, 2002. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 25, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before August 1, 2002.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1285. Filed for public inspection July 19, 2002, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Auto Insurance Rate Revision

On July 1, 2002, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a proposed rate change for private passenger auto insurance.

The company requests an overall 0.2% increase amounting to \$1.102 million annually to be effective December 15, 2002.

Unless formal administrative action is taken prior to August 30, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection by appointment during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1286. Filed for public inspection July 19, 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, PA. Failure by an appellant to appear at a 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.

Mohamed Hammad; file no. 02-265-01992; Superior Ins. Grp. c/o IGF Ins. Co.; doc. no. PH02-06-013; August 29, 2002, 10 a.m.

Anne Marie Schreiber; file no. 02-280-02613; AAA Mid-Atlantic Insurance Group; doc. no. PH02-06-014; August 29, 2002, 11 a.m.

Parties 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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1287. Filed for public inspection July 19, 2002, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia, PA. Failure by an appellant to appear at a 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.

Franklyn A. and Jane L. Abbott; file no. 02-267-02384; Nationwide Mutual Fire Insurance Company; doc. no. PH02-06-022; August 28, 2002, 3 p.m.

Dr. Lee and Barbara Letwin; file no. 02-265-02626; Chubb Group of Ins. Companies; doc. no. PH02-06-015; August 29, 2002, 12:30 p.m.

Deede Smith; file no. 02-280-02589; State Farm Fire and Casualty Ins. Co.; doc. no. PH02-06-019; August 29, 2002, 2:30 p.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. 02-1288. Filed for public inspection July 19, 2002, 9:00 a.m.]

The Travelers Indemnity Company; Rate Filing

On June 28, 2002, the Insurance Department (Department) received from The Travelers Indemnity Company a filing for a proposed rate level and rule change for homeowners insurance.

The company requests an overall 1.7% increase amounting to \$597,000 annually to be effective September 21, 2002.

Unless formal administrative action is taken prior to August 27, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection by appointment during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1289. Filed for public inspection July 19, 2002, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-02-150, Dated June 17, 2002. This resolution authorizes the side letter of understanding with AFSCME that implements compensation provisions for the period July 1, 2002, through June 30, 2004, for employees compensated on the Corrections Supervisory Pay Schedule (Schedule K). The side letter encompasses approximately 188 first-level supervisory employees who

supervise H1 bargaining unit employees in the Department of Corrections. The approximate annual costs of salary and wage increases are \$375,000 including the cost of salary sensitive benefits.

Governor's Office

Management Directive No. 205.25—Disability-Related Employment Policy, Amended June 19, 2002.

Management Directive No. 230.15—Continental United States High Cost Subsistence Allowances, Amended June 6, 2002.

Management Directive No. 410.10—Guidelines for Investigating and Resolving Internal Discrimination Complaints, Amended June 19, 2002.

Management Directive No. 505.30—Prohibition of Sexual Harassment in Commonwealth Work Settings, Amended June 19, 2002.

Management Directive No. 580.34—Removal of Eligibles for Certification or Appointment in the Classified Service, Amended May 20, 2002.

Management Directive No. 580.37—Promotion by Appointment of Unclassified Service Employees into the Classified Service, Dated May 22, 2002.

Management Directive No. 620.1—Coal Sampling and Reporting, Revision No. 2, Dated May 28, 2002.

Administrative Circular No. 02-13—Implementation of Imagine PA in the Department of General Services' Commodity Distribution Center, Dated June 7, 2002.

Administrative Circular No. 02-14—Automotive Fleet Preventive Maintenance Schedule, Dated June 18, 2002.

Administrative Circular No. 02-15—Refueling of Commonwealth Automotive Fleet Vehicles, Dated June 18, 2002.

Administrative Circular No. 02-16—State Employees Purchasing Vehicle at the Commonwealth Auction, Dated June 18, 2002.

Administrative Circular No. 02-17—Workers' Compensation Rates, Dated June 20, 2002.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 02-1290. Filed for public inspection July 19, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Beaver County, Wine & Spirits Shoppe #0401, 1009 7th Avenue, Beaver Falls, PA 15010-4539.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space with rear door loading serving the Beaver Falls area.

Proposals due: August 9, 2002, at 12 p.m.

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222.

Contact: George Danis, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-1291. Filed for public inspection July 19, 2002, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on July 30, 2002, at 1 p.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning whether a decrease of no more than 40¢ per hundredweight should be made to the level of the over-order premium, which is currently \$1.65 per hundredweight.

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on July 24, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on July 24, 2002, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on July 25, 2002, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 26, 2002, each party shall file and ensure receipt as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or

§ 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on July 24, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals requiring this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,
Executive Secretary

[Pa.B. Doc. No. 02-1292. Filed for public inspection July 19, 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 August 12, 2002, as set forth at 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.

Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.

A-00119046. Maybelline Limousine, Inc. (726 Sylvan Avenue, Pittsburgh, Allegheny, PA 15102), a corporation of the Commonwealth—persons in limousine service, between points in the County of Allegheny, and from points in said county, to points in Pennsylvania, and return.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under each application.

A-00100766, Folder 2, Am-B. Allegheny Limousines, Inc. (326 Lucille Street, Pittsburgh, Allegheny County, PA 15218), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh PA 15219-3427.

A-00108826, Folder 5, Am-A. System of Services, INC. t/d/b/a Fantasy Limo Leasing (28 Georgetown

Lane, Beaver, Beaver County, PA 15009), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

A-00112970, Folder 1, Am-A. Regency Transportation Group LTD (401 Neptune Street, Pittsburgh, Allegheny County, PA 15220), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* William A. Gray, 2310 Grant Building, 310 Grant Street, Pittsburgh, PA 15219.

A-00108867, Folder 1, Am-B. Personal Touch Limousine Service, Inc. t/d/b/a V.I.P. Limousine Service (345 Rouser Road, Coraopolis, Allegheny County, PA 15108), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* William A. Gray, 2310 Grant Building, 310 Grant Street, Pittsburgh, PA 15219.

A-00114509, Folder 1, Am-B. Elite Coach Limousine, Inc. (3795 Old William Penn Highway, Murrysville, Allegheny County, PA 15668), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

A-00116736, Folder 2, Am-A. Tortorice Limousine, Inc. (1555 Washington Blvd, Port Vue, Allegheny County, PA 15133), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00115770, Folder 3. Robert E. Brenner, Jr. t/d/b/a Brenner Coach and Limousine (P. O. Box 525, 530A West Main Street, New Holland, Bucks County, PA 17557), additional right—persons in group and party service, in vehicles with a seating capacity of 15 passengers or less, including the driver, between points in the Counties of Berks, Bucks and Montgomery, and from points in said counties, to points in Pennsylvania, and return.

A-00110791, Folder 2. J. J. Serafin, Inc. t/d/b/a AAAA Transportation (14 Dennison Street, Forty Fort, Luzerne County, PA 18704), a corporation of the Commonwealth—additional right - persons in paratransit service, for CSX; Canadian Pacific; Canadian National; New York Susquehanna & Western Railway; and Amtrak, between points in Pennsylvania.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Daniel A. Pryse, t/a Pryse Trucking Company; Doc. No. A-00114108C02; A-00114108

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Daniel A. Pryse, t/a Pryse Trucking Company, respondent, maintains his principal place of business at R. D. #4, Box 4052, East Stroudsburg, PA 18301.

2. That respondent was issued a certificate of public convenience by this Commission on September 3, 1997 at Application Docket No. A-00114108.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Daniel A. Pryse, t/a Pryse Trucking Company's Certificate of Public Convenience at A-00114108.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter

imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Michael Russo, t/a Michael Russo Paving; Doc. No. A-00113779C02; A-00113779

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Michael Russo, t/a Michael Russo Paving, respondent, maintains his principal place of business at 909 Old Fern Hill Road, West Chester, PA 19380.

2. That respondent was issued a certificate of public convenience by this Commission on June 16, 1997 at Application Docket No. A-00113779.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Michael Russo, t/a Michael Russo Paving's Certificate of Public Convenience at A-00113779.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Michael Missimer; t/a Mike Missimer Trucking; Doc. No. A-00112779C02; A-00112779

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Michael Missimer, t/a Mike Missimer Trucking, respondent, maintains his principal place of business at 140 South 5th Street, Bally, PA 19503.

2. That respondent was issued a certificate of public convenience by this Commission on March 13, 1996 at Application Docket No. A-00112779.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer

being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Michael Missimer, t/a Mike Missimer Trucking's Certificate of Public Convenience at A-00112779.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. TST Expedited Services, Inc.; Doc. No. A-00113393C02; A-00113393, F. 2

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That TST Expedited Services, Inc., respondent, maintains its principal place of business at 4401 Stecker Road, Dearborn, MI 48126.

2. That respondent was issued a certificate of public convenience by this Commission on June 2, 1997 at Application Docket No. A-00113393, F. 2.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke TST Expedited Services, Inc.'s Certificate of Public Convenience at A-00113393, F. 2.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Jacob R. Trinley, Inc.; Doc. No. A-00113194C02; A-00113194, F. 2

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Jacob R. Trinley, Inc., respondent, maintains its principal place of business at 10 Ferndale Lane, Linfield, PA 19468.

2. That respondent was issued a certificate of public convenience by this Commission on July 8, 1996 at Application Docket No. A-00113194, F. 2.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Jacob R. Trinley, Inc.'s Certificate of Public Convenience at A-00113194, F. 2.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Distefano Transport, Inc.; Doc. No. A-00113790C02; A-00113790

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Distefano Transport, Inc., respondent, maintains its principal place of business at 1219 Morstein Road, West Chester, PA 19380.

2. That respondent was issued a certificate of public convenience by this Commission on May 12, 1997 at Application Docket No. A-00113790.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Distefano Transport, Inc.'s Certificate of Public Convenience at A-00113790.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

ROSEN IRON & METAL INC
3822 BIRNEY AVENUE
MOOSIC PA 18507

In re: A-00117895C0201
A-00117895

Dear Respondent:

On February 19, 2002, the Bureau of Transportation and Safety instituted a complaint against Rosen Iron & Metal, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00117895.

The complaint and notice were served on the respondent on February 21, 2002; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00117895C0201 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00117895 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Lawrence Estenich Enterprises, Inc., t/d/b/a Estenich Trucking Co.; Doc. No. A-0011786C02; A-00111786

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Lawrence Estenich Enterprises, Inc., t/d/b/a Estenich Trucking Co., respondent, maintains his principal place of business at P. O. Box 25, Wycombe, PA 18980.

2. That respondent was issued a certificate of public convenience by this Commission on April 4, 1995 at Application Docket No. A-00111786.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no

longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Lawrence Estenich Enterprises, Inc., t/d/b/a Estenich Trucking Co.'s Certificate of Public Convenience at A-00111786.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Gilbo Corp.; Doc. No. A-00112176C02; A-00112176

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Gilbo Corp., respondent, maintains its principal place of business at 601 Washington Street, Conshohocken, PA 19428.

2. That respondent was issued a certificate of public convenience by this Commission on August 2, 1995 at Application Docket No. A-00112176.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Gilbo Corp.'s Certificate of Public Convenience at A-00112176.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter

imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Bud's Towing & Transport, Inc.; Doc. No. A-00112516C02; A-00112516

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Bud's Towing & Transport, Inc., respondent, maintains its principal place of business at 2635 West Chester Pike, 1st Floor, Broomall, PA 19008.

2. That respondent was issued a certificate of public convenience by this Commission on December 4, 1995 at Application Docket No. A-00112516.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Bud's Towing & Transport, Inc.'s Certificate of Public Convenience at A-00112516.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Louis T. Decenzi t/a Louis Decenzi Hauling; Doc. No. A-00112507C02; A-00112507

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Louis T. Decenzi, t/a Louis Decenzi Hauling, respondent, maintains his principal place of business at P. O. Box 16, Media, PA 19063.

2. That respondent was issued a certificate of public convenience by this Commission on November 13, 1995 at Application Docket No. A-00112507.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer

being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Louis T. Decenzi t/a Louis Decenzi Hauling's Certificate of Public Convenience at A-00112507.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Raymond D. Oehlmann t/a Oehlmann Trucking; Doc. No. A-00109232C02; A-00109232

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Raymond D. Oehlmann, t/a Oehlmann Trucking, respondent, maintains his principal place of business at R. D. #1, Box 91A, Dingmans Ferry, PA 18337.

2. That respondent was issued a certificate of public convenience by this Commission on January 17, 1991 at Application Docket No. A-00109232.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Raymond D. Oehlmann, t/a Oehlmann Trucking's Certificate of Public Convenience at A-00109232.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Don Rosen Preferred Limo, Inc.; Doc. No. A-00106636C02; A-00106636, F. 2

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Don Rosen Preferred Limo, Inc., respondent, maintains its principal place of business at 190 Presidential Blvd. North, Bala Cynwyd, PA 19004.

2. That respondent was issued a certificate of public convenience by this Commission on September 18, 1986 at Application Docket No. A-00106636, F. 2.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Don Rosen Preferred Limo, Inc.'s Certificate of Public Convenience at A-00106636, F. 2.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. DLC Management Group, Inc.; Doc. No. A-00110044C02; A-00110044

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That DLC Management Group, Inc., respondent, maintains its principal place of business at 210 W. Washington Square, Philadelphia, PA 19106-3578.

2. That respondent was issued a certificate of public convenience by this Commission on January 4, 1993 at Application Docket No. A-00110044.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke DLC Management Group, Inc.'s Certificate of Public Convenience at A-00110044.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Complete Distribution Services, Inc.; Doc. No. A-00117392C02; F. 2

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Complete Distribution Services, Inc., respondent, maintains a principal place of business at 8841 old U.S. Route 13, Morrisville, PA 19067.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00117392, F. 2.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Complete Distribution Services, Inc. at Docket No. A-00117392, F. 2, for failure to maintain evidence of current insurance on file with the Commission.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE TO PLEAD

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 PA Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1293. Filed for public inspection July 19, 2002, 9:00 a.m.]

Telecommunications

A-310917F7000. Verizon Pennsylvania Inc. and Line Systems, Inc. Joint Petition of Verizon Pennsylvania Inc. and Line Systems, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Line Systems, Inc., by its counsel, filed on June 20, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Line Systems, 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. 02-1294. Filed for public inspection July 19, 2002, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0244.3, Furnish & Install New Sanitary & Storm Sewer Lines, Pier 80 S. Annex, until 2 p.m. on Thursday, August 8, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 23, 2002. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on August 1, 2002, at 10 a.m. at Pier 80 S. Annex, Snyder Ave. and Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 02-1295. Filed for public inspection July 19, 2002, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Request for Proposals

The Port of Pittsburgh Commission (Commission) is soliciting proposals from qualified vendors to conduct financial statement audits of its books, accounts and records for each of the fiscal years ending June 30, 2003, 2004, 2005, 2006 and 2007. The audit will be conducted in Harrisburg and Pittsburgh, PA. Interested parties may receive copies of the Request for Proposals by calling the

Commission at (412) 201-7332. Proposals will be received at the Commission's office, Regional Enterprise Tower, 425 Sixth Avenue, Suite 2990, Pittsburgh, PA 15219, until 1 p.m. on October 15, 2002.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 02-1296. Filed for public inspection July 19, 2002, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Road Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of FY 2002 Dirt and Gravel Road Pollution Prevention Maintenance Program (Program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

A. Effective Date

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2002.

B. Background

At a public meeting on May 23, 2002, the Commission approved allocation of \$3.528 million of FY02 funds. These are apportioned according to stipulations in 75 Pa.C.S. § 9106(c). Not all counties receive an allocation as provided for at 25 Pa. Code § 83.613(a) (relating to performance standards).

Copies of 25 Pa. Code § 83.604 and 75 Pa.C.S. § 9106 are available from Woodrow J. Colbert, Conservation Commission Office, Room 407, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to County Conservation Districts participating in the Program.

Adams, \$15,000
Allegheny, \$15,000
Armstrong, \$115,725
Beaver, \$15,000
Bedford, \$40,921
Berks, \$15,000
Blair, \$20,408
Bradford, \$322,536
Bucks, \$19,252
Butler, \$31,760
Cambria, \$15,000
Cameron, \$33,281
Carbon, \$25,133
Centre, \$34,079
Chester, \$18,149
Clarion, \$64,658
Clearfield, \$67,430
Clinton, \$22,910
Columbia, \$79,868
Crawford, \$146,181

Cumberland, \$15,000
Dauphin, \$23,247
Elk, \$25,367
Erie, \$56,958
Fayette, \$33,023
Forest, \$21,693
Franklin, \$15,090
Fulton, \$30,389
Huntingdon, \$70,507
Indiana, \$90,516
Jefferson, \$44,485
Juniata, \$36,209
Lackawanna, \$28,927
Lancaster, \$16,969
Lawrence, \$15,000
Lebanon, \$15,000
Lehigh, \$27,143
Luzerne, \$25,081
Lycoming, \$83,734
McKean, \$22,318
Mercer, \$48,418
Mifflin, \$20,963
Monroe, \$15,000
Montgomery, \$15,000
Montour, \$18,210
Northampton, \$15,000
Perry, \$42,121
Pike, \$56,763
Potter, \$138,594
Schuylkill, \$50,802
Snyder, \$29,057
Somerset, \$33,971
Sullivan, \$72,612
Susquehanna, \$127,020
Tioga, \$322,529
Union, \$25,680
Venango, \$80,044
Warren, \$215,168
Washington, \$79,613
Wayne, \$113,568
Westmoreland, \$27,438
Wyoming, \$61,432
York, \$105,047

KARL BROWN,
Executive Secretary

[Pa.B. Doc. No. 02-1297. Filed for public inspection July 19, 2002, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 20, 2002	Stephen Leach (Deceased) (Contested Death Benefit)	1 p.m.
August 28, 2002	J. Robert Chuk (Transfer of County Service to State Service)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 02-1298. Filed for public inspection July 19, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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

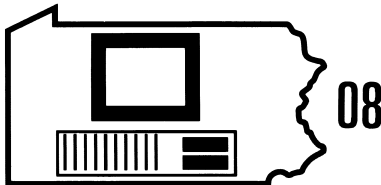
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

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

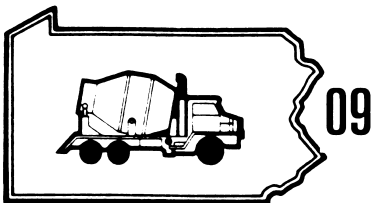
SERVICES



Computer Related Services

RFP 1R-12 RFP 1R-12, "Highway Construction Information Website" - Design, create, test and implement a highway construction information website. Populate and maintain the construction data on the website. For information on this project, fax to Roberta Cooper at (717) 783-7971 the following: your name, company name, address, phone, FAX, and e-mail. Please reference "RFP 1R-12" in your request.

Department: Transportation
Location: Statewide
Duration: 60 months
Contact: Roberta Cooper (717) 787-4006



Construction & Construction Maintenance

CL-557 Construct Conference Room, Carrier Clarion University is soliciting bids for the construction of a two-story, 1,200 square foot conference room addition above the second floor of Carrier Administration Building on the Clarion campus. Three prime contracts are required with work as follows: General - Extend building structural steel frame, add windows, construct new mechanical penthouse, provide new EPDM roof, plastering, etc.; Mechanical - supply and installation of new air handler with heating and cooling capacity using the building hot water/cooling-water systems, all drainage piping and all other HVAC/plumbing installation; Electrical - lighting and all electrical modifications required. Bid package: \$30 non-refundable fee, by check payable to Clarion University addressed to Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214. Pre-Bid Conference: 10 A.M., July 18, 2002. Bids Due: 2 P.M., August 6, 2002. All work to be completed by Spring 2003.

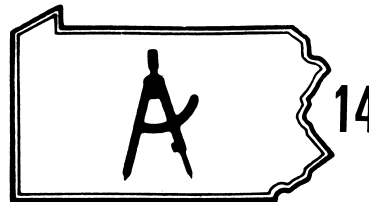
Department: State System of Higher Education
Location: Clarion University, Carrier Administration Building, Clarion, PA 16214
Duration: 180 Days from Notice to Proceed
Contact: Judy McAninch, Contract Specialist (814) 393-2240

2002-20-001 Re-surfacing of State Forest Road with 2RC at rate of 1,500 tons per mile.

Department: Conservation and Natural Resources
Location: Wyoming State Forest, Coal Mine Road
Duration: Through December 31, 2002
Contact: Richard A. Glinski (570) 387-4255

024-202 This contract will provide manpower, equipment, and incidental guide rail material for installations approximately 12,000 linear feet of strong post guide rail at various locations throughout Cameron County. All guide rail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and end anchorages. The Department shall be responsible for removal of all existing guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail by the Contractor. It will be the Contractor's responsibility to pick up the material and deliver it to the worksites. A mandatory pre-bid meeting (one day) will be held to include review of the guide rail locations and a site will be determined where the guide rail will be stored. All bidders must be pre-qualified to bid on this project. PA Prevailing Wage Act does apply. All requests for bid packages must be fax at (814)274-9764 ATTN: KAREN, or phone (814) 274-9181.

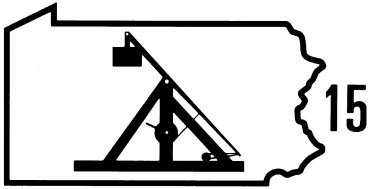
Department: Transportation
Location: Various locations throughout Cameron County
Duration: This is a (1) one-year contract.
Contact: Gary L. Gunzberger, Manager (814) 274-9181



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

OSM 54(4064)101.1 Abandoned Mine Reclamation, Pisgah Ridge West, involves approximately 1,985,000 c.y. grading, 21,690 c.y. drainage excavation, 14,500 s.y. impervious lining (PVC), 9,780 s.y. rock lining and seeding 105.3 acres. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant. This project issues July 12, 2002; payment in the amount of \$15.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Tamaqua and Coaldale, Schuylkill County
Duration: 860 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994

4026 Meat Contract for October, November & December 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1 - December 31, 2002
Contact: Stanley Rygelski, PA (570) 587-7291

4027 Poultry Contract for October, November and December 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1 - December 31, 2002
Contact: Stanley Rygelski, PA (570) 587-7291

4031 Dairy Contract for October, November and December 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

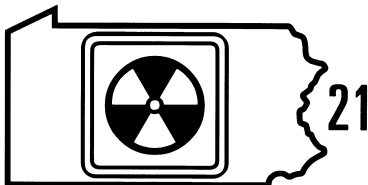
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1 - December 31, 2002
Contact: Stanley Rygelski, PA (570) 587-7291

4034 Miscellaneous Frozen Foods Contract for October, November and December 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1 - December 31, 2002
Contact: Stanley Rygelski, PA (570) 587-7291

4035 Juice Drinks, Frozen 4 oz. containers for October, November and December 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1 - December 31, 2002
Contact: Stanley Rygelski, PA (570) 587-7291



Hazardous Material Services

SP-3500000229 Removal and disposal of USTs and all associated materials and waste products. Two (2) 1,000-gal; two (2) 550-gal.

Department: Environmental Protection
Location: Former Grason's Service Station, Lake Ariel, Salem Township
Duration: Anticipated dates: 09/16/02—12/31/02
Contact: Dorothy A. Fuller (570) 826-2202



Janitorial Services

Bid #8530 Furnish all materials, equipment and labor to perform janitorial services at the PA State Police, Honesdale Station, FIVE (5) visits per week. Detailed Work Schedule & Bid must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Honesdale Station, RR 6, Box 6822, Honesdale, PA 18431-9681
Duration: 9/1/02 to 6/30/05
Contact: Donna Enders (717) 705-5951



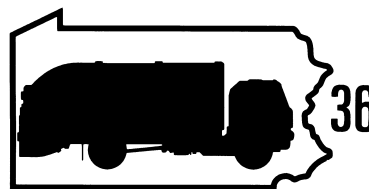
Real Estate Services

93466 LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA State Police with 14,034 useable square feet of Office/Barracks space in York County, PA. with a minimum parking for 100 vehicles, within a 1/2 mile radius of Exit 10 (Old Exit 3) of Interstate 83, York County. For more information on SFP #93466 which is due on September 9, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. John Hocker (717) 787-7396

93454 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 5,682 useable square feet of Office space in Bucks County, PA. with minimum parking for 29 vehicles, within the Townships of Bristol, Warminster, or Ivyland Borough. Downtown locations will be considered. For more information on SFP #93454 which is due on August 26, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Jennings Ward (717) 787-7412



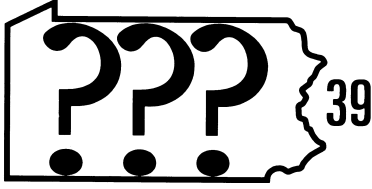
Sanitation

110096 Removal and recycling of once used nonreconditioned Paint Drums from various Allegheny and Beaver county locations.

Department: Transportation
Location: PA Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017
Duration: This contract will remain valid for a period of 3 years from the effective date with 1 renewal option of 2 years.
Contact: Marilyn Ecoff (412) 429-4945

110096 Removal and recycling of once used non reconditioned Paint Drums from various Allegheny and Beaver county locations.

Department: Transportation
Location: PA Department of Transportation Engineering District 11-0 45 Thoms Run Road Bridgeville, PA 15017
Duration: This contract will remain valid for a period of 3 years from the effective date with 1 renewal option of 2 years.
Contact: Marilyn Ecoff (412) 429-4945



Miscellaneous

SP-20881033 Provide pharmaceutical services.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.
Duration: Approximately August 1, 2001 - June 30, 2003
Contact: Dee Kuhn, Purchasing Agent (717) 789-5509

PGC-2756 PLEASE NOTE, THIS ADVERTISEMENT IS FOR APPLICATION FOR FEDERAL GRANT MONEYS Recent federal legislation has again made available to the Game Commission and Fish and Boat Commission, federal funding for wildlife conservation efforts over the next two years. This legislation, called the State Wildlife Grants (SWG) program, specifies that funding be used for wildlife species with the greatest conservation need. The agencies are soliciting project proposals from organizations across the Commonwealth for consideration to receive funds under this program. An electronic version of the application form is available on the Game Commission's web page (www.pgc.state.pa.us). The grant period will run on the Commonwealth's fiscal year (July 1-June 30) and funds must be expended by June 30, 2005. Complete applications must be received at the Pennsylvania Game Commission, Bureau of Wildlife Management by 1:00 p.m. on September 4, 2002. Questions regarding the SWG program and application packets should be directed to: Kiley Klinger, at the address below.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Wildlife Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.
Duration: See above
Contact: Kiley Klinger (717) 787-5529, Ext. 3820

SP-20881034 Provide pharmaceutical services.

Department: Public Welfare
Location: Southeast Secure Treatment Unit, 900 Ryan Blvd., Coatesville, PA 19320.
Duration: Approximately August 1, 2001 - June 30, 2003
Contact: Dee Kuhn, Purchasing Agent (717) 789-5509

[Pa.B. Doc. No. 02-1299. Filed for public inspection July 19, 2002, 9:00 a.m.]

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

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
7240-02 sup#1	07/09/02	Busch Sys- tems Inter- national	\$120,000.00
7240-02 sup#1	07/09/02	SCL A-1 Plas- tics	100,000.00
7240-02 sup#1	07/09/02	T M Fitzgerald & Associ- ates	120,000.00
7240-02 sup#1	07/09/02	Vquip USA	100,000.00
7510-10 sup#1	07/09/02	Systematic Filing Prod- ucts	229,248.00
9905-10	07/09/02	Trafcon In- dustries	242,370.00
1009152-01	07/08/02	Holco	26,750.00
1258151-01	07/08/02	Custom Fit	125,034.66
8254190-01	07/08/02	Mack Trucks	112,805.00
8254190-02	07/08/02	Pitts Enter- prises	27,500.00
8254410-01	07/08/02	Apple Fleet Division	538,879.00

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-1300. Filed for public inspection July 19, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 27]

Reporting of AIDS, HIV Test Results, CD4 T-Lymphocyte Counts and Perinatal Exposure of Newborns to HIV

The Department of Health (Department), with the approval of the Advisory Health Board (Board), adopts amendments to Chapter 27 (relating to communicable and noncommunicable diseases) to read as set forth in Annex A.

A. Purpose and Background

The Department's regulations require name reporting of individuals who: (1) have had positive test results established from any test approved by the Food and Drug Administration (FDA) to establish the presence of the Human Immunodeficiency Virus (HIV); (2) have low CD4 T-lymphocyte cell counts as described in this Preamble; or (3) are pregnant women who have had positive HIV test results and whose newborns have been perinatally exposed to HIV. The regulations also clarify that cases of Acquired Immune Deficiency Syndrome (AIDS) are reportable based on the case definition of the Centers for Disease Prevention and Control (CDC). Reports of AIDS include reports of presumptive diagnoses of AIDS based on the presence of an AIDS defining illness (for example, Kaposi's sarcoma) with laboratory confirmation of HIV.

In holding to its proposal to require reporting of these conditions and infections by name, the Department is following recommendations of the CDC for reporting HIV infection and AIDS. See "Morbidity and Mortality Weekly Report" (MMWR) 1999; 48 (No. RR 13) "Guidelines for Human Immunodeficiency Virus case surveillance, including monitoring for HIV infection and AIDS" (Guidelines) p. 12. Reporting by name is also consistent with the Department's requirements for the 52 other diseases and conditions (including AIDS, which is reportable by name) currently reportable in this Commonwealth. The Commonwealth joins 34 other states that require confidential name-based reporting for HIV infection. The Ryan White CARE Act (42 U.S.C.A. §§ 300ff-21—300ff-37), one of the Department's primary funding streams for HIV services, requires the inclusion of HIV incidence data in determining the funding formula for state grants. Having accurate data obtained through name reporting will help assure that the Department receives the full funding to which it is entitled.

Collecting this data systematically provides the Department with the most accurate picture of the prevalence of HIV/AIDS. This will enhance the Department's ability to develop, implement and evaluate community-based public health interventions for HIV-infected persons and at-risk partners. The information also provides the Department and local health departments with enhanced opportunities to provide case management services for HIV-infected persons and their at-risk partners. These services include helping assure that HIV-infected persons are linked into appropriate community-based medical and social service support systems, including partner notification services,

thus helping slow the progression of HIV infection to life-threatening AIDS and preventing the further spread of disease.

B. Summary

The majority of comments the Department received on its proposed amendments dealt with the Department's decision to require reporting by name. Other general comments were received on a variety of topics: the Department's decision to require reporting electronically; the confidentiality and security of the information reported; the cost of the proposed rulemaking and the lack of an exception in the proposed regulations to name reporting for research projects. The Department will discuss these general comments before addressing comments addressed to specific provisions of the proposed amendments.

The Department's rulemaking relating to HIV reporting and the other reporting addressed in these regulations is a very specific amendment to its broader regulations governing prevention, control and reporting of communicable and noncommunicable diseases within this Commonwealth. The Department proposed sweeping changes to update the entire regulatory scheme relating to communicable and noncommunicable diseases at 30 Pa.B. 2715 (May 27, 2000). Final-form rulemaking followed and those amendments were published and went into effect at 32 Pa.B. 491 (January 26, 2002). Because of the importance of HIV reporting to the Commonwealth, the Department could not wait to propose additional amendments to Chapter 27 relating to HIV reporting until after the adoption of the broad changes to Chapter 27.

The timing of the Department's proposed rulemaking relating to HIV reporting, therefore, required that the Department propose changes to Chapter 27 as it read prior to the January 26, 2002, amendments. Consequently, in most cases, the text of regulations to which the Department is now adopting amendments is not the same text to which the Department proposed amendments.

In response to a comment from the Independent Regulatory Review Commission (IRRC) asking how the Department would coordinate the two sets of rulemaking, and upon advice from IRRC, the Department has drafted Annex A to show only amendments to the current text of regulations that were altered following the proposed rulemaking.

Name Reporting

The Department received many comments objecting to its proposal to require reporting by name of perinatal exposure of newborns to HIV, certain HIV test results and CD4 T-lymphocyte cell counts. These comments came from various groups of persons as well as individuals, including providers, legislators, one local health department and public interest groups.

The Department also received comments in support of its proposed amendments. Various professional medical associations, provider groups, local health departments and public interest groups supported the Department's proposal to require reporting by name. The Health and Welfare Committee of the Pennsylvania State Senate supported the proposals contingent upon the Department taking appropriate steps to make anonymous testing a readily available option to those who might otherwise

avoid HIV testing, and ensuring that information regarding anonymous testing is available to at risk populations.

The Department has listed the comments both in opposition to and in support of confidential name reporting in this Preamble, eliminating repetitive remarks where possible, and has answered these comments in one comprehensive response.

Comments in Opposition

The Department should justify the need for names and addresses of individuals in the reports and then explain how the reports will be maintained.

Research shows that requiring name reporting deters people from taking HIV tests. Requiring name reporting will undermine hard work done in the Delaware Valley to encourage people to access HIV services. There are 10 states and territories that have chosen to require reports by unique identifier, including Maryland, Vermont, Illinois and California, and this method of reporting does provide accurate data.

Name reporting will delay treatment. The outcry by medical providers, service providers and people living with HIV/AIDS is telling. It is inconceivable that name reporting will not harm lives.

HIV reporting is necessary, but not by name. The Allegheny County Health Department's approach of requiring reporting by unique identifier is better, and should be followed.

Name reporting, even with the availability of anonymous test sites, frightens people, and will deter persons from getting tested, because they are not convinced that confidentiality can be assured.

Name-based reporting will cause women to refuse or forgo prenatal care. This is a concern because convincing pregnant women to take an HIV test has reduced the number of vertical transmissions of HIV.

The Department should explain why a reporting system based on unique identifiers will not accomplish its objectives. Supporters recognize that anonymous testing should augment name-based reporting. But a unique identifier system would reduce the need for anonymous testing.

The CDC recognizes that a unique identifier system will provide necessary information to the public health system to control the spread of disease. The Department should institute a unique identifier system.

Because peer review publications are evenly split on the question of whether persons will be deterred from testing by required name reporting, the Department should err on the side of caution and develop a unique identifier system.

A unique identifier system would protect the confidentiality of persons living with HIV while also providing effective tracking of the epidemic. The Commonwealth could benefit from the California experience where reporting is done by a unique identifier.

A unique identifier system will not cause the Department to lose funding. The Department will only lose funding if no information is reported by the Department to the Federal government. Funding will be a problem under a name reporting system, because, if less people choose to be tested, the Department will have less cases to report. The Department must set up a system that encourages the maximum number of persons to be tested.

Reporting by unique identifier in the initial phase of the continuum of care provides the most precise data available, ensuring that credible information is secured for planning and capturing maximum funding resources.

Although some reported figures show "improved" statistics regarding HIV cases after name reporting is instituted, these figures are misleading. Most often this methodology followed a period of no required reporting, so an improvement in statistics would occur as a matter of course.

The Department's decision to propose name reporting as the method by which cases of HIV would be reported goes contrary to public testimony offered at the Department's meetings. Ninety-five percent of the people at those public meetings opposed name reporting.

Reporting by name will increase the potential for breaches of confidentiality. Discrimination could occur if the security and confidentiality of information maintained by the Department was breached in some way.

Disenfranchised populations will not be tested if there is the slightest indication that their names could become public knowledge. This will harm the most marginalized populations, including, for example, persons who use illegal drugs.

Name reporting threatens the right to privacy.

Name reporting interferes with the physician-patient relationship.

Comments in Support

Confidential name reporting will enhance the Department's opportunities to provide case management services to patients, including getting patients into more services and tracking them to determine quality of care, without fear of breach of confidentiality.

The Department has been thorough in its review of the benefits and shortcomings of reporting based on names and on unique identifiers. The Department has prudently made the determination that name reporting is the best option, based on public health reasons. Public perception and fear should not drive policy.

Name reporting in delivering direct medical and respite care allows medical professionals to treat HIV clients in the same manner as clients treated for all other communicable diseases, providing the same standard of care.

The Department is to be commended for providing assistance to local health departments through the implementation of these regulations. Name-based reporting will give local health departments information that they now have to guess at. Name-based reporting allows provision of case management services to infected persons and their partners.

The product of ongoing and systematic collection of the information that will result from name-reporting is valid, timely and complete data, and is the key facet to any disease surveillance system. The problem in this Commonwealth has been the fact that HIV was not reportable, despite the fact that sound epidemiologic principles and public health practice necessitates the reporting of communicable diseases that are a public health concern. A name-based reporting system of people with infectious diseases has great potential to benefit both the individual and the public health system. A name-reporting system would result in more people benefiting from early intervention programs.

In a unique identifier system, persons tested anonymously supply in a code, parts of the name, Social

Security number, date of birth, sex and race. The non-name identifier system is not anonymous as it may be possibly linked to a specific individual. To do record follow-up for missing information, such as HIV risk, or to provide follow-up care, coded records need to be linked to an individual's name. This is usually found in a log maintained by providers or other reporting sources. Multiple logs with names may create multiple opportunities for breaches of confidentiality.

Name-based reporting would enable public health employees to find and counsel people who are tested but do not return for their results; would enable public health employees to interview clients to assess their need for a variety of community services, including, for example, housing, transportation, medical treatment, tuberculosis testing, and other assistance; could aid partner notification programs; and would aid public health employees in educating HIV-infected women about the risks of pregnancy, and how to minimize the risks of transmission.

Data from a 1998 study of the implementation of name-based HIV reporting in Louisiana, Nevada, New Jersey, Tennessee, Michigan and Nebraska indicated that the impact of surveillance on those seeking HIV testing will be small, and should not hinder HIV prevention efforts.

The impact of HIV-reporting by name is likely to vary from community to community, and risk group to risk group. What matters, however, is that prevention practices can help someone, somewhere, at sometime, and this can only happen with name-based reporting. To allow the Commonwealth to target programs and resources most effectively, the public health system must keep pace with where the HIV epidemic is going. Improvement of the ability to track early HIV infection before it progresses to AIDS is essential.

The Department should be congratulated for its strong leadership in the face of opposition. Only confidential name-based reporting has the capability of contributing to the control of HIV transmission. The Department can perform contact tracing and partner notification, assist in linkages to treatment and other services, including prevention, case management, and assistance with medication compliance. Name-reporting allows the Department to provide outreach to infected persons, obtain risk factor history information, eliminate duplicate reports and monitor disease trends.

The Department can be trusted to use every mechanism available to it to ensure the confidentiality of reported information, as it has done with information reported on AIDS patients.

Confidential name-based reporting is similar to other reporting requirements in the Commonwealth, and follows the recommendations established by the CDC. The Commonwealth will join 34 other states who also require name-based reporting. Name-based reporting allows for the most accurate tracking and will promote increased opportunities for disease intervention, and for funding.

Attempts to control the spread of HIV should not be entangled with politics. The Department's regulations will correct that, and allow epidemiologists to finally understand the extent of the spread of the infection in the Commonwealth. Name reporting allows for critical health practices, such as contact tracing, confirmation of treatment and assurance of services.

A unique identifier reporting system has failed in Texas, and is believed by the state medical society and the health officers of Maryland to be failing there as well.

Codes within a unique identifier system require maintenance by providers of lists of names and codes, which increases the chances of breaches of confidentiality. A confidential name-based system is more secure and more confidential.

Response

The Department has not changed these regulations based on these comments. The Department is aware that the majority of the persons presenting testimony at the public meetings it held prior to proposed rulemaking were not in favor of name reporting. The Department did consider these comments in coming to its decision to propose confidential name reporting of the diseases, infections and conditions addressed in this rulemaking. The Department has carefully reviewed all known options for reporting HIV. After considering all of the information, concerns and recommendations that it received, as well as its own expertise and experience, the Department concluded that confidential name-based reporting is the best method for reporting HIV in this Commonwealth.

The Department disagrees that a unique identifier system would neither cause the Department to lose funding nor be less accurate than a system of reporting by name. A confidential name-based reporting system collects more accurate data since availability of the patient's name facilitates timely completeness of case reporting and allows the Department to review and eliminate duplicate case reports. If data is not timely, it is neither complete nor accurate for the Department's purposes. The data obtained under name-based reporting is more appropriate for the Department's needs. It fosters a more complete and accurate description of the epidemic for prevention and care planning, resource allocation, trend analysis and increased Federal funding; and Department facilitation of linkage to prevention and care services.

Further, the funding the Department obtains is better spent on prevention and treatment efforts than on developing a unique identifier reporting system. The confidential name-reporting system, which is already in place for other diseases, including AIDS, can provide accurate data at relatively small cost. Spending funds to develop a unique identifier based-reporting system is neither effective nor efficient in the fight to prevent and control the spread of HIV and AIDS.

A reporting system based on unique identifiers would be complex in comparison with the name-based systems currently in place, and would create problems for providers who are used to the current system of name-based reporting. This could lead to untimely reporting and underreporting, which, in turn, could lead to a loss in funding. Cases not reported before a certain date during each grant period are lost to the Department for the purposes of funding.

The confidentiality and security of data kept in secure Department databases is greater than data maintained in the multiple lists linking names of cases to unique identifiers, which would most likely need to be developed and maintained at multiple provider sites to accomplish linkage of individuals with health care and other services, and to allow for follow-up. Therefore, name-based reporting is better able to meet the higher standards for confidentiality and security set by the CDC.

Name-based reporting will also be easier for providers and for public health agencies to use than a system based on unique identifiers. Reporters in this Commonwealth have used name-based reporting for AIDS and all other

reportable diseases and conditions. While reporting by unique identifier would require the development of a new reporting system, and would require additional logs or other systems by which providers could cross check unique identifiers with names, name-based reporting will simply add additional diseases, infections or conditions to the current reporting system. Name-based reporting will eliminate the need for extensive training and the creation of separate databases to maintain logs of names and will allow for complete reporting by the provider.

With respect to concerns that name-based reporting will deter persons from seeking testing and will delay treatment, there is no conclusive evidence to show that name reporting does deter persons from seeking an HIV test. There is, however, growing evidence showing that name-based reporting can facilitate structured programs for linkage to care and prevention services. The Department will monitor the potential for deterrence of test seeking behavior on an ongoing basis using a CDC protocol that is available for HIV reporting states. Further, the Department will seek to ensure that anonymous testing is available throughout this Commonwealth for those persons who choose not to test under their own names.

The availability of anonymous HIV testing sites is more fully explained in the discussion of § 27.32b (relating to confidential and anonymous testing). However, the Department commits to ensuring that anonymous HIV testing will be available to individuals in every county who choose to be tested anonymously, rather than confidentially.

Concerns that confidential name-based reporting will interfere with the physician-patient relationship, and the right to privacy, are addressed in the Department's responses to comments on § 27.32e (relating to record audits). Although the comments on that section were specifically directed to the Department's authority to "look back" at providers' records from the effective date of the regulations to January 1, 2000, the Department's response applies to these more general statements as well.

Concerns that information reported to the Department will be disclosed improperly and that discrimination will occur are without foundation based upon the Department's record. Several commentators have acknowledged that the Department's record on confidentiality is "sterling." The Department agrees with the commentators who have stated that public perception and fear should not drive public policy. The Department understands concerns that information could be used to discriminate against individuals. The Department takes its responsibility not to release information reported to it very seriously.

There is a misperception among some persons that confidential name-based reporting is a threat to privacy and widespread discrimination will follow its implementation. The Department intends to combat this misperception by a public information campaign. The Department is exploring ways to reassure the public that HIV/AIDS reporting data are maintained under the highest security and confidentiality standards. There has never been a violation of privacy from the public health reporting system in this Commonwealth in 20 years of name-based AIDS reporting.

Finally, the Department currently meets, and will ensure that it continues to meet, CDC standards for security for reportable information.

Electronic reporting and security

Comment

Given the Department's record with HIV software systems in the area of HIV services, specifically Lifeplan, we question whether systems implementation will accurately track the data in question.

Response

The Department has not changed the regulations in response to this comment. The Bureau of Epidemiology has an excellent track record on the implementation of its surveillance responsibilities and use of software for tracking purposes. The Lifeplan system is a client-level data system used to report to the Department and then to the Health Resources and Services Administration (HRSA) data on client care services. The CDC -provided HARS software application is a proven, Nationally used tool. It is used to collect surveillance data.

Comment

We have used the HARS system with the Allegheny County Health Department, and we find it difficult to implement in a clinic setting. Data retrieval is difficult.

Response

The Department has not changed the regulations in response to this comment. HARS software is a surveillance application and is not intended to be used by providers for clinic management. The Department will prepare a subset of HARS to be used by providers so that reporting will be easier for them.

Comment

Even if electronic reporting simplifies the reporting process, there will be a need for additional computers to report remotely.

Response

The Department has not changed the regulations in response to this comment. The Department understands that additional computers may be necessary for some providers. The Department, however, believes that the simplification of the reporting process outweighs any minor cost incurred by individual providers.

Comment

The Department needs to ensure that reports can be submitted even if some of the information is not available.

Response

Reporters will be able to submit reports electronically, even if all the information is not provided. The Department will continue to follow-up on case reports of HIV with missing information, as it currently does for other diseases.

Comment

The Department should develop and communicate a plan regarding how it intends to provide software and training.

Response

The Department agrees with the comment, and will be working with representatives of stakeholders to both formulate and implement software delivery and training.

Comment

Not all providers may be able to submit reports electronically. The Department should develop a mechanism that will allow for submission of reports in another manner.

Response

The Department will work with those providers unable to submit reports electronically. The Department is prepared to accept a diskette by mail from those providers without internet service. The Department's general regulation on reporting (28 Pa. Code § 27.4) allows for reporting incomplete information on cases by telephone although complete reporting will be required electronically through, for example, the use of diskettes, or through the use of a telephone number provided by the Department at no charge which would permit access to a web-based application to be used for reporting.

Comments

The regulations should specify security standards applicable to required electronic transmissions.

The regulations fail to describe the security systems that will be used to protect the medical information that will be transmitted electronically.

How will electronic reporting be done, and how will the Department assure the confidentiality and security of electronically reported information?

Response

Security of medical information and confidentiality of medical records and disease reports is a concern for providers and the Department and local health departments. The Department is well aware of its responsibility to protect the confidentiality of the reports and information submitted to it. The security of electronic reporting will be accomplished through the use of encryption, and also the use of a digital certificate for each provider, which has, as part of its configuration, imbedded security similar to that used by banks for the electronic transfer of funds. This security, often referred to as PKI (Personal Key Identification), requires two keys to open files. One is held by the provider, the other by the Department. This same PKI process will be used for all electronic disease reporting to the Department. It is state-of-the-art technology.

Comment

The Department must include in its regulations a commitment to meet CDC data security standards.

Response

The Department has not changed the regulation in response to this comment. The Department already meets CDC security standards for HIV/AIDS case reports. As a condition of its CDC surveillance grant, the Department must meet these requirements and adhere to them. As confirmed by the CDC, the Department is in compliance with these CDC requirements as of the last site visit from the CDC, which occurred in May of 2000. The county and municipal departments of health, which will act as local morbidity report offices (LMROs), are also in compliance with these standards, as of the Department's latest audit of each department.

Comment

What equipment and software will providers be required to use, how much training will be required, and how often will it be offered? How much will this cost, and who will bear the cost, the Department or the reporters?

Response

The Department will provide the software to the provider free-of-charge. Instruction booklets or sheets will accompany the software. The Department will develop training schedules in consultation with stakeholder groups. The only cost to the provider will be transportation to the training site, and the cost of a computer with sufficient operating capacity and speed and an internet connection. It is expected that most providers will be able to use their existing computers for disease reporting. The Department is, however, prepared to accept diskettes by mail for those providers without internet service.

*Confidentiality**Comments*

How will these regulations affect previously tested persons already in care? How will they assure the confidentiality of their medical records?

Although the Department has had a positive record on confidentiality, the current regulations change the protections offered previously. Individuals who are HIV infected have faced discrimination once their HIV status has been learned.

If the Department goes forward with name reporting, measures to strengthen Statewide privacy protections for public health data must be examined immediately.

Response

The Department has not changed the regulations in response to these comments. Persons previously tested and in care will either be located through the Department's audit back to January 1, 2000, when additional testing is done to monitor the individual's status, or when the individual progresses from HIV to AIDS.

The Department has required the reporting of AIDS cases for roughly 20 years. The proven system for AIDS reporting has a 20-year track record of security and confidentiality, which includes stringent security and confidentiality features required by the CDC. The Department will protect the information reported on HIV in the same way, using the same CDC security standards, as they relate to HIV reporting. The security and confidentiality of the information will be maintained and, where necessary, improved to adequately handle the confidentiality of HIV case reports.

Comment

Since laboratories will now be required to transmit patient information, there is an increased risk for a breach of confidentiality. Although the ability to carry out this function is an integral part of laboratory services, the additional paper trails required by the newly mandated information sheets will challenge the ability to protect patient rights. The mere existence of special sheets attached to patient specimens may draw attention to the specimens, thus potentially violating patient confidentiality.

Response

Laboratories will be required to report results to the Department electronically. The patient information that will be sent to laboratories by providers is standard identifying information that is sent to laboratories in the normal course of business. The reason for including in the regulations language specifically requiring providers to submit this information to laboratories upon specimen submission is to ensure that this information is available for laboratories to send to the Department. This information is necessary to make the process of reviewing

laboratory data for repeat case reports effective so that there is no need to contact providers about cases that have already been reported.

Laboratories will transmit this information to the Department electronically through secure data transmission portals. The system of electronic laboratory data transmission adopted by the Department is part of a National electronic laboratory reporting system being established by collaborating states and laboratories in conjunction with the CDC. The system meets the highest security and confidentiality standards for patient laboratory data transmission, as required by the CDC.

Comment

HIV reporting will not compromise confidentiality because appropriate safeguards currently exist. Reporting for other sexually transmitted diseases is required now, and we are not aware of any breach of confidentiality. National studies show that states with name reporting have not experienced any confidentiality problems.

Response

The Department agrees with the commentator.

Cost

Comments

It will take a good deal of time and resources to implement the regulations. The Department is requiring the reporting of all test results. Requiring duplicate reports seems costly. The regulations do not discuss the cost of this reporting, or how it will be funded. Providers with large numbers of patients will be adversely affected.

These regulations will have a major human and financial resources impact on high morbidity areas like Philadelphia. The Department does not say how it will financially support dual reporting.

The cost implications of the regulations are underestimated.

Our reporting system has been facilitated through cooperation with the Allegheny County Health Department, which performs onsite data collection. Given the number of patients to whom we provide care, the information being required by these regulations will create an unmanageable workload for the clinic staff. Further, there is no provision for increasing staff in county health departments to collect this data.

Response

The Department does not believe the cost implications are underestimated, and has not changed the regulations in response to the comments. Further, these regulations are an addition to the existing list of over 50 reportable diseases, infections and conditions, and, for most reporters, additional infrastructure to accomplish this reporting should not be necessary.

The Department is sensitive, however, to provider concerns regarding funding. The Department has included in its budget funding to the local health departments, including Philadelphia County, for increased staff to handle additional workload. With respect to the comment relating to the large number of patients and clinic workload for private providers, current HIV cases will only need to be reported as they meet the AIDS case definition. The Department expects that will occur over an extended period of time and will not cause an undue burden. Further, county health departments will assist where that is possible. Electronic reporting by providers will limit any increased workload, since much of the

information the Department is requiring will be collected for the patient's medical record, whether or not a reporting requirement exists.

With respect to the requirement that both laboratories and providers report the same case, the Department's reasons for requiring reporting by different types of reporters is discussed at greater length in responding to specific comments regarding multiple reporting and duplication of reports.

Comment

There will be an increased burden on research units and laboratories to implement reporting, including staff time and the cost of dedicated computer equipment and telephone lines for remote reporting.

Response

The Department has not changed the regulations in response to this comment. Dedicated computers and phone lines are not necessary, but password protection on provider databases is recommended. If the provider has an Internet Service Provider, the cost will be minimal.

Multiple reports

Comments

The Department should not require reporting of a case by more than one reporter.

The fiscal impact and purpose of the requirement of multiple reporters is not clear. Many persons may file reports on the same individual. What is the need for numerous reports on a single case? What are the costs to the private sector when multiple reporters file and prepare reports? What will be the costs of effectively processing data from thousands of reporters in order to eliminate duplication?

Does the Department have a plan to figure out what to do when multiple reports are made of a single case?

Response

The Department currently requires the reporting by more than one type of reporter for every disease, infection and condition that is reportable under the law. This ensures that the Department will receive all the available material information relating to a case. The Department is concerned that if reporters "self-censor," based on their assumption that another person will make the report, there could be under-reporting. This would jeopardize the ability of the public health system to positively impact the health of infected individuals and their contacts. If the departments are unaware of cases, they will be unable to offer or provide counseling and referral information services to the providers who treated those cases. It is better to get multiple reports providing the same information on a case, than to receive a single incomplete report.

With respect to the cost of reviewing several case reports to establish a single case file, that is a function which the Department currently performs for AIDS case reports. The Department has software that performs this function for it. There should be no additional cost to the Commonwealth from filtering information from several case reports to develop a single comprehensive record.

Consent

Comment

Informed consent remains a hallmark of HIV testing protocols recommended by the CDC, and legislation relating to HIV testing. A system that allows individuals to

bypass obtaining informed consent may undermine the trust and confidence between patients and their health care providers. Until the right of a patient to decline testing on a voluntary basis is revoked, the Department should not establish a system that may compromise this right.

Response

The Department has not changed the regulations in response to this comment. The regulations do not in any way prohibit or prevent a health care provider from obtaining consent from a patient before performing an HIV test. The Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612) (Act 148) still applies to the offering and provision of HIV testing, to the manner in which the results are given to the person tested, and to whether or not the information may be released to others. The regulations do not require an individual to take an HIV test of any kind, nor do they require an individual to take a test that will result in the name of the individual being reported to the Department. If a confidential test is chosen by the individual, the regulations require that the information establishing the presence of HIV be reported to the Department by the individual's name. The regulations also require that the same results from an anonymous test be reported, although not by name. This is consistent with the requirements of Act 148.

Research Exception

Comments

The regulations do not address problems that would arise for research programs if research programs are required to report the names of individuals who test positive for HIV infection or who have CD4 T-lymphocyte counts below a certain level. The regulations could alter a person's willingness to participate in a research project. The regulations should be modified to exclude research projects and research laboratories from reporting under an individual's name, data acquired for research purposes. This would not impact on the goal of reporting. Individuals participating in these studies would have been reported anonymously by their primary care provider or physician. Also, persons participating in these research projects already know their status, and, if they are positive, will be counseled to obtain medical care and will be provided information to facilitate their entry into the health care system.

Research studies use unique identifiers for all tests, and no demographic data is currently provided to diagnostic laboratories. Provision of such data to a laboratory is prohibited by informed consent documents signed by research subjects. Laboratories may be unable to accept additional information given terms of contracts and systems in place.

Research laboratories currently have no system in place to report communicable diseases. Data is generated solely for research protocols. All clinically relevant data is sent to the primary care provider after receiving written permission from the research subject.

Requiring that research facilities report HIV status will threaten their relationship with individuals who volunteer to participate in studies, and may result in an increase in HIV-infected individuals who are not receiving appropriate care.

New York has included a research exemption in its state statute.

Response

The Department has considered the comments recommending that research studies be exempted from reporting by name. The Department has decided against including such an exemption in the regulations. The Department has not provided for such exemptions for the reporting of other diseases, including AIDS. The Department does not believe that, at this time, there is sufficient evidence to show that the granting of such exemptions would further the public health purpose intended by these regulations. The Department, however, in determining whether such an exemption should be added at some future time, will consider any credible evidence research studies are able to provide to demonstrate that exempting research studies from name reporting from HIV will hamper the prevention and control of the spread of HIV. The Department understands that certain research studies begun prior to the effective date of these regulations may have been instituted under protocols that would prohibit the release of the information that the Department is requiring. The Department will not require those studies to alter their protocols.

Section 27.1. Definitions.

This section includes definitions for Chapter 27. Three of the definitions proposed in the proposed rulemaking upon which this final rulemaking is predicated have already been adopted. They were adopted at 32 Pa.B. 491 (January 26, 2002). Those terms were "district office," "local health department" and "local morbidity reporting office (LMRO)." Those terms and definitions, therefore, appear in the annex as existing regulation. A few commentators recommended changes to those definitions. The Department had either previously made the changes which were adopted in its final rulemaking on January 26, 2002, or has chosen not to revise the regulations. Those comments are discussed in greater detail below.

Comment

The Department should include the CDC case definition for AIDS in the regulations, rather than simply referring to it.

Response

The case definition for "AIDS" is the CDC definition. That definition is 15 pages long, and changes with new surveillance requirements or scientific needs. The Department has created a definition for "AIDS" in this section that incorporates by reference the CDC definition for "AIDS" published in its Morbidity and Mortality Weekly Report (MMWR). This should enable persons to locate that definition if necessary. Historically, the CDC has revised the definition and published the revisions in the MMWR. Consequently, the Department has included with this definition a statement that it will publish references to the CDC MMWR updates to the case definition in the *Pennsylvania Bulletin* within 30 days of their publication.

The references for the current CDC case definitions are as follows:

CDC. 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults. MMWR 1992;41 (RR-17).

CDC. 1994 Revised Classification System for Human Immunodeficiency Virus Infection in Children Less Than 13 Years of Age. MMWR 1994;43 (RR-12).

CDC. CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Moni-

toring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome. *MMWR* 1999;48 (RR-13).

Comment

The Department should expand the definition of "local morbidity reporting office (LMRO)" to minimize the potential for reporting to state health centers or other entities perceived to be county health departments. Inadvertent reporting to county offices might breach confidentiality, particularly in rural counties.

Response

The Department has not changed the definition in response to this comment. The definition of "LMRO" included in the regulations specifically identifies the district offices of the Department and the county/municipal health departments as LMROs. A list of these entities is available from the Department upon request, and the Department will publish a list in the *Pennsylvania Bulletin*. The Department does not agree that confusion will be likely to occur, especially since, with the exception of very few diseases, infections and conditions, all reporting is made to the LMROs.

Comment

The last sentence of the definition for "local health departments" referring to the Department maintaining a list, is substantive, and should be moved to the body of the regulations.

Response

The Department agrees with this comment. The sentence was deleted from the definition adopted on January 26, 2002.

Comments

To determine that a newborn has been exposed to HIV, as set forth in the definition for "perinatal exposure of a newborn to HIV," appears to require a subjective judgment by a broad array of persons. Substantive questions involving risk should not be included in a definition. Reporters who are qualified to make the risk determination should be listed in the substantive part of the regulation.

Only information about newborns that come to term is useful in preventing a vertical transmission. Therefore, the definition should read as follows: "possible vertical transmission—potentially exposing a fetus to HIV during pregnancy of an HIV positive woman, regardless of the final serostatus of the infant."

Response

The Department has changed the definition to read: "The exposure of a newborn indicated by a positive HIV test result for the pregnant woman or mother of a newborn." The Department has made this change to clarify that, in determining whether a perinatal exposure has occurred, there is no determination of risk made. A newborn is considered exposed to HIV if the mother is HIV positive. The question of whether the child actually becomes HIV positive is a separate matter.

The Department has not changed the term defined to "potential vertical transmission." "Potential vertical transmission" is a term broader than "perinatal exposure." While "potential vertical transmission" applies to all types of mother-to-child transmission, "perinatal exposure" is limited to potential transmission in a perinatal setting. The Department has changed the definition to clarify that

it is referring to potential perinatal transmissions by using the term "perinatal exposure."

The Department disagrees that only information regarding a newborn that has come to term is useful in preventing a vertical transmission. The Department is requiring reporting of perinatal exposures, that is, potential perinatal transmissions. Information obtained on the status of the mother is instrumental in making prevention therapies available to the mother for the fetus.

Further, since some of these treatments are suspected of causing mutations in some children, reporting perinatal exposures will enable the Department to follow the women who tested positive and their children to collect data on this concern, and on the efficacy of other treatments. That information could provide data on whether, how, and why this occurs, and could lead to the development of safer treatment.

Comment

The Department should add definitions for the following terms: "unique identifier;" "confidential testing;" "anonymous testing;" and "State-designated anonymous testing sites."

Response

As has already been discussed, the Department has decided against the use of a unique identifier system in favor of a system of confidential name reporting. Therefore, the addition of a definition for the term "unique identifier" is not necessary.

The Department has added definitions of "anonymous HIV testing," "confidential HIV testing," and "State-designated anonymous HIV testing site" to eliminate confusion regarding anonymous and confidential testing, and the sites at which each or both may occur.

In anonymous HIV testing, an individual is informed that a fictitious name may be used to provide consent for the test. Although the individual is asked to provide information regarding age, sex, race, county, zip code, state of residence and the reason why the person believes that they are at risk for HIV, the individual may refuse to provide any of this information. Only an assigned number that is not linked to the person's identifying information identifies the person's written test result.

In confidential testing, the person signs a consent form with his or her name. Identifying information is collected and reported to the Department.

Anonymous HIV testing may only be conducted at a State-designated anonymous HIV-testing site. A State-designated anonymous HIV testing site is a testing site that has agreed to abide by the Department's guidelines for HIV testing, which are based on the CDC's guidelines, and that is supported by the Department, either through direct funding, or by having the laboratory tests paid for by the Department at the Department's contracted testing laboratory. Sites receiving other forms of public funding, for example, funding directly from the Federal government, or funding that does not require adherence to the Department's guidelines relating to anonymous testing, are not State-designated anonymous HIV-testing sites.

State-designated anonymous HIV testing sites allow for the Department and local health departments to be linked to an HIV case quickly, without the patient's name, since that individual has already become part of the public health system by his choice of testing site. The difficulties which reporting by unique identifier would

raise for public health staff in obtaining the timely information that would make involvement of the departments in the case useful, do not apply to an individual being tested anonymously in a forum linked to the Department or local health departments.

Section 27.2. Reportable diseases.

As proposed, this section would have added the diseases, infections and conditions addressed in these regulations to the general list of reportable diseases, infections and conditions in that section. The Department, at 32 Pa. B. 491 removed that general list from § 27.2. These regulations require no amendment to that section as it now reads. The addition to the list of diseases, infections and conditions required to be reported within the Commonwealth of the four reportable matters addressed in this rulemaking is accomplished by amending §§ 27.21a, 27.22 and 27.32a.

Section 27.21a was not included in the proposed rulemaking relating to HIV reporting (31 Pa. B. 2126 (April 21, 2001)). It is a new regulation added by the January 26, 2002 amendments to Chapter 27. This rulemaking amends that section to accomplish what proposed revisions to § 27.2 were intended to accomplish: the inclusion of general reporting requirements relating to HIV, certain CD4 T-lymphocyte counts, and perinatal exposure of newborns to HIV, and the clarification of reporting requirements relating to AIDS. More specific requirements for the reporting of those diseases, infections and conditions appear in new § 27.32a.

Because the few comments received regarding proposed § 27.2 apply to §§ 27.21a, 27.22 and 27.32a equally, those comments and these three sections will be discussed here.

Comments

Requiring reporting of low CD4 T-lymphocyte counts brings noninfected persons into the HIV/AIDS surveillance system. This could encourage inexperienced providers to use the CD4 T-lymphocyte test as a screening tool.

Requiring the reporting of low CD4 T-lymphocyte counts could cause the Department to contact parents of children with low CD4 T-lymphocyte counts and cause concern when the low count could be for a reason other than HIV or AIDS.

Reporting low CD4 T-lymphocyte counts, including results for persons who do not have HIV or AIDS, is burdensome for oncologists and other physicians who care for cancer patients. It is unclear what the Department intends to do with this information, when it relates to cancer patients. Will it be referred to the Cancer Registry?

Response

The Department has not changed the regulations in response to these comments. CD4 T-lymphocyte counts of less than 200 cells/ μ L or of less than 14% of total lymphocytes, without other AIDS-defining illnesses, is an AIDS-defining condition in HIV positive persons. It is also an indication of severe immunosuppression that places the patient at risk for secondary infections. Low CD4 T-lymphocyte counts have a high "predictive value positive" and are mostly indicative of HIV/AIDS; more than 80% of low CD4 T-lymphocyte count test results are among HIV positive persons. Therefore, it is appropriate to require reporting of low CD4 T-lymphocyte counts. Reporting of low CD4 T-lymphocyte counts is now a standard component of HIV/AIDS reporting practices in many states that require CD4 T-lymphocyte tests to be reported.

The primary exception to this high predictive value is in specialized cancer treatment centers. Prevention of unnecessary reporting from such centers will be handled administratively by exempting specific facilities or clinics from reporting CD4 T-lymphocyte results based on documented results of audits indicating that that facility's yield of HIV/AIDS cases from CD4 T-lymphocyte results is low. In addition, it is the Department's public health responsibility to monitor trends of potential adverse public health outcomes from the population of vulnerable persons with severe immunosuppression regardless of HIV status. The Department will destroy reports of low CD4 T-lymphocyte results that it determines do not coincide with the presence of HIV.

Further, the Department will not send to the Cancer Registry information on cases reported because of the CD4 T-lymphocyte reporting requirement. The Cancer Registry is static. The Department does not undertake active cancer surveillance, nor does it track the impact of courses of treatment, as it does through HIV and AIDS reporting. Therefore, information relating to changing CD4 T-lymphocyte counts is not useful with respect to cancer cases.

Comment

All CD4 T-lymphocyte counts should be reportable, and not just those under 200 cells/ μ L or 14% of all T-lymphocytes.

Response

The Department has not changed the regulations in response to this comment. The Department has followed the CDC guidelines in the promulgation of the requirement that CD4 T-lymphocyte cell counts of equal to or less than 200, or 14% of total lymphocytes be reported. The Department is using CD4 T-lymphocyte counts as a marker for HIV disease. Counts over the limits the Department has included in the regulations would not be an accurate indicator for HIV. They could be indicative of too many other infections and conditions to be useful as an HIV marker.

Section 27.21. Reserved.

This section has also changed from proposed to final rulemaking based upon the January 26, 2002, amendments to Chapter 27. The Department proposed in 31 Pa. B. 2126 to delete subsection (e), which required physicians to report cases of AIDS.

In the January 26, 2002, amendments to Chapter 27, however, the Department changed the title and substance of this section to deal solely with the reporting of AIDS by physicians and hospitals. The section had previously dealt with physician duties in reporting all reportable diseases. In this final rulemaking, the Department has consolidated all HIV and AIDS reporting requirements in § 27.32a(b) (relating to reporting AIDS, HIV, CD4-T lymphocyte counts and perinatal exposure of newborns to HIV). Therefore, the Department has deleted § 27.21 in its entirety.

Section 27.22. Reporting of cases by clinical laboratories.

The amendments to this section require laboratories to report the diseases, infections and conditions included in this rulemaking in a particular manner. The amendments to the section also require electronic reporting by laboratories.

The April 21, 2001 proposed amendments to this section were made obsolete by the January 26, 2002 amendments. Consequently, Annex A shows the current amend-

ments to this regulation as the regulation read after January 26, 2002. Subsection (a) is amended to add the types of testing information that is reportable. This is language that was deleted from the regulations in the January 26, 2002, amendments. The word "examination" replaces the word "test," as a more accurate term. Subsection (b) is amended to require the reporting of HIV test results and low CD4 T-lymphocyte counts.

However, this section does not contain comprehensive standards for those reports. Those standards are provided in new § 27.32a. For this reason, subsection (c) is amended to state that the reporting requirements of that subsection apply unless otherwise provided for in Subchapter A. Subsection (d) is amended to require that all laboratory results be reported to the Bureau of Epidemiology electronically in a manner specified by the Department, except for those diseases, infections and conditions which are contained in specific reporting requirements. These include HIV test results and CD4 T-lymphocyte test results.

Because part of the subject matter of proposed subsection (e) is deleted, and the remainder combined with subsection (d), the remaining subsections have been renumbered.

Since all of the comments received by the Department on this section were related to the proposed reporting requirements, the Department has chosen to discuss them under § 27.32a, rather than here.

Section 27.23. Reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories.

The Department has made a minor revision to this section to clarify that persons other than physicians and hospitals are not required to report cases of AIDS, and that only those individuals and entities required by § 27.32a are required to report CD4 T-lymphocyte test results as defined by § 27.21a, HIV test results or perinatal exposure of a newborn to HIV.

Section 27.32a. Reporting AIDS, HIV, CD4 T-lymphocyte counts, and perinatal exposure of newborns to HIV.

This section identifies those types of persons and entities required to report the four diseases, infections and conditions included in this rulemaking and specifies the manner by which the reporting is to be done. Section 27.32, which had been captioned "Reporting AIDS," was repealed by the January 26, 2002 amendments. The subject matter that had been addressed in that section, as expanded to include the three other reportable items added by these amendments, is now addressed in this section.

Subsection (a). Reporting by clinical laboratories.

The Department has moved the proposed language relating to reporting by laboratories of HIV test results and CD4 T-lymphocyte counts from proposed § 27.22 (relating to reporting by clinical laboratories) to this subsection. The Department has added a reference to § 27.22(b) (relating to reporting of cases by clinical laboratories) to subsection (a) to clarify that laboratories are not required to report all CD4 T-lymphocyte case results, but only those that meet the definition included in § 27.22(b).

Comment

If a patient has more than one specimen sent to a laboratory for successive HIV tests, will the laboratory have to report each time the test was positive?

Response

A laboratory is required to report each time a test that establishes the presence of HIV is positive. A laboratory is not required to report preliminary tests for HIV that are not approved by the FDA as establishing the presence of HIV.

Comment

If a patient changes insurance, a new laboratory may have to report the patient. The multiple reports may create problems with confidentiality.

Response

Each test result that meets the standards in paragraph (1) or (2) must be reported. The Department will review the test results, and develop a single case record, as it does with all other reportable diseases, infections and conditions. Rather than having reporters self-censor, leading to possible under-reporting, the Department prefers to follow the National standard for reporting, and require reporting by all reporters of all reportable results. If a report were not made, the Department would be unable to verify the case or respond appropriately. Confidentiality is not compromised by multiple reports of the same case. The steps that will be taken to safeguard confidentiality will be triggered by each report.

Comment

Requiring laboratories to report is burdensome and invasive of patients' privacy.

Response

The Department has not changed this regulation in response to this comment. This regulation has been developed to provide the Department with the most complete amount of relevant information available on a patient reportable under the regulation. This will help the Department identify every possible case of HIV, and act in a timely and effective manner when appropriate. To best ensure that a case is not missed, and that all important information is collected, the Department is requiring reporting from all possible reporters.

Further, the law directs the Department to require reporting for the protection of the public health. The General Assembly has already balanced the issue of total privacy of the individual against the public health and the health of the individual, and has determined that individual's complete privacy is subordinate to the Commonwealth's compelling need for protection of the public health through reporting of disease and condition information to the Department and the local health departments to facilitate epidemiological understanding and public health interventions. See the Disease Prevention and Control Law of 1955 (35 P. S. §§ 521.1—521.21) (act). The act prohibits the departments from releasing this information to any other person, except under very limited conditions.

Comment

Cases must be reported both to the State and to the local health departments. Both providers and laboratories are being required to report. The Department should either require such dual reporting be done only for new, previously unreported cases, or must financially support the increased reporting requirements.

Response

Providers report only to LMROs; laboratories report only to the Department. The Department will provide the laboratory results to the LMROs electronically. The rea-

sons for requiring multiple reports by multiple reporters have already been fully discussed. Further, the Department does not require repeated reports of a case by a provider who has previously reported the case. Each test that results in a CD4 T-lymphocyte count reportable under these regulations must be reported, however, regardless of whether the case has been previously reported, and will be used to assist the Department in evaluating the progression of disease.

Comment

The Department should include language in proposed § 27.22 (c)(2) (adopted as § 27.32(a)) exempting laboratories located within Philadelphia from reporting the names and addresses, including city, county and zip code, to the State Health Department. Laboratories would still be required to report this information to the Philadelphia Department of Health.

Response

The Department has not changed its regulations based on this comment. The Department has already discussed its reasons for adopting reporting by name, rather than by unique identifier. The Department sees no reason to exempt laboratories within Philadelphia from this reporting requirement.

Comments

The Department should change the reference to name and address of the person from whom the specimen was obtained in proposed § 27.22(c)(1) (adopted as § 27.32a(a)(3)(i)) to the person's unique identifier.

The Department should change the reference to date of birth in proposed § 27.22(c)(2)(iii) (adopted as § 27.32(a)(3)(iii)) to year of birth.

Response

The Department has not changed this regulation in response to these comments. As has already been discussed, the Department has decided against the use of a unique identifier in favor of confidential name-based reporting.

Comment

The Department should delete proposed § 27.22(c)(2)(ix), which would specifically require reporting of CD4 T-lymphocyte test results with a count of less than 200 cells/ μ L or a CD4 T-lymphocyte percentage of less than 14% of total lymphocytes. This subparagraph duplicates proposed § 27.22(c)(2)(viii), which would require reporting of test results.

Response

The Department agrees, and has not included the substance of proposed § 27.22(c)(2)(ix) in this section. Sections 27.21a (relating to reporting of cases by health care practitioners and health care facilities) and 27.22 (relating to reporting of cases by clinical laboratories) identify the CD4 T-lymphocyte results that are reportable.

Comment

Does the requirement that reports be made to the Department within 5 days of obtaining the test results, found in proposed § 27.22(d)(4) and (5) (adopted as § 27.32a(a)(1) and (2)) afford a laboratory sufficient time to report?

Response

The Department has not changed the regulation in response to this comment. Five days affords a laboratory

sufficient time to report. The Department's current experience with laboratory reporting for other reportable diseases, infections and conditions shows that laboratories are capable of reporting within this time frame.

Comment

The Department should delete the word "positive" from proposed § 27.22(d)(5) (adopted as § 27.32a(a)(2)) in proposed § 27.2 (relating to reportable diseases) (now deleted) and in proposed § 27.32a(a)(2) (adopted as § 27.32a(b)(1)(ii)). Those regulations require reporting of "the positive results of any test approved by the FDA to establish the presence of HIV including serologic, virologic, nucleic acid (RNA or DNA) or any other type of test" This should be changed because many of these tests provide neither a positive nor a negative, but rather provide points on a continuum. An example of this is a CD4 assay.

Response

The Department has not changed the regulations in response to this comment. The use of the word "positive" is appropriate as it relates to the definitions for each condition. If the test result meets the definition for a condition, the test result is "positive."

Subsection (b). Reporting by physicians, hospitals, persons or entities, who diagnose AIDS within the scope of their practice or who receive or provide HIV and CD4 T-lymphocyte test results.

The proposed amendment of now repealed proposed § 27.32 is adopted in subsection (b). Subsection (b) contains direction as to where, how and when reports are to be submitted by a physician, hospital, person providing HIV services or person in charge of an entity providing HIV services, who makes a diagnosis of AIDS or who receives HIV or CD4 T-lymphocyte test results or provides HIV or CD4 T-lymphocyte test results to patients. Subsection (b) requires that reports made by the individuals and entities referenced in the subsection are to be made to the LMRO where the case was tested or has been diagnosed. The comments relating to proposed § 27.32 are addressed under this subsection.

Comments

The Department should delineate who is required to report under this regulation. The section as proposed appears broad and vague. It does not appear to meet the intent of the preamble, which stated that the Department intended to capture entities that do not have physicians, but receive test results. Nothing in this section excludes laboratories, and persons within laboratories could be covered by it. The fact that there is no definition of "HIV services" adds to the confusion.

This regulation should address to whom data is to be transmitted. The proposal suggests that it go to the county health departments, when in most counties it would be transmitted to the regional district office of the Department.

Response

The Department does not agree that this subsection is overbroad or vague. The Department did intend to require reports from all entities that do not have physicians, but who receive or provide HIV and CD4 T-lymphocyte test results. This subsection only requires those entities and persons to file case reports if they also provide HIV services. The Department does agree, however, that a definition of "HIV services" would clarify this section further. The Department has added that definition

to § 27.1 (relating to definitions). The definition encompasses prevention, treatment and case management services, to ensure that the widest reporting is available to the Department. This definition eliminates a laboratory's duty to report from this subsection. Subsection (a), which is specifically directed to laboratories, does not make a laboratory subject to the requirement that it also provide HIV services. The substance of subsection (a) does not differ from what the Department proposed in § 27.22(d).

With respect to the issue of where reports are to be made, the regulation clearly states that providers are to report to the LMRO where the case has been diagnosed or is located. An LMRO includes, by definition, the county and local health departments. There is no confusion about where laboratories are to report, since subsection (a) explains where, how and when laboratory reporting is to occur.

Comment

The regulations should specify who is responsible to report HIV for an entity that provides HIV services. Section 27.22 states that a person who is in charge of a laboratory is required to report. Similar language should be added here.

Response

The Department agrees, and has added to subsection (b)(1) "person in charge" language similar to that in § 27.22.

Comment

Dentists should not have an HIV or AIDS reporting responsibility since a dentist does not diagnose or treat HIV or AIDS. The information that a dentist may have relating to HIV or AIDS is provided by a physician, a laboratory or an infected patient.

Response

A dentist providing dental services to a client with HIV is no different than a dentist providing services to any other client with a communicable disease. A dentist operating in that capacity does not need to report HIV. Should the dentist have occasion to provide HIV services, as defined in the regulations, and receive or provide HIV test results, that dentist would be required to report.

Comment

Proposed amendments to § 27.32 (adopted as subsection (b) of this regulation) duplicate some of the reporting requirements in §§ 27.21 and 27.23–27.25. The Department should amend those existing sections of the regulations, rather than adopt a new regulation, to include new reporting requirements applicable to entities with reporting responsibilities subject to the aforementioned regulations.

Response

The Department has not changed the regulations in response to this comment. The Department repealed §§ 27.24 and 27.25 when it amended its regulations on January 26, 2002. At that time, it also amended § 27.23. That section, which previously related to only school reports of communicable diseases, was amended to include reporting requirements for persons other than health care practitioners, facilities, laboratories or veterinarians. Because only certain persons are required to report HIV and AIDS, amending § 27.23 to require HIV or AIDS reporting would not be appropriate. Further, the Department, in keeping with the January 26, 2002 amendments, has placed specific requirements relating to HIV and AIDS reporting in that part of Chapter 27 that

includes sections relating to diseases and conditions requiring special reporting. Section 27.21 is repealed by this rulemaking. The subject matter that had been addressed in § 27.21 is now included in this subsection.

Comments

The Department's requirement that entities receiving test results report to the Department means that entities that receive test results are required to make diagnoses. Only clinicians should be required to make a diagnosis. Laboratories should not be required to report without a diagnosis.

The Department should clarify that only physicians can diagnose. As written, § 27.32(a) (adopted as subsection (b) of this regulation) links hospital, person, or entity providing HIV services to the words "makes a diagnosis," and this causes confusion.

Response

The Department has not changed the regulation in response to these comments. The regulations do not require anyone to make a diagnosis of AIDS, nor do they require any practitioner to exceed the scope of the practitioner's practice. The regulations simply require that if a person makes a diagnosis of AIDS, that diagnosis must be reported. It is the Department's assumption that a person not authorized to diagnose within the scope of his practice will not do so. Further, the Department is not requiring entities or persons receiving the designated test results to make diagnoses, but is requiring them to report those test results. Test results are empirical data. That data can be reported without the person making a clinical decision or diagnosis.

Comment

Requiring reporting of case management agencies is burdensome and invasive of a patient's privacy.

Response

The Department has not changed this regulation in response to this comment. This regulation has been developed to provide the Department with the fullest amount of relevant information available on a patient reportable under the regulation. This will help the Department identify every possible case of HIV, and act in a timely and effective manner when appropriate. To best ensure that a case is not missed, and that all important information is collected, the Department is requiring reporting from all possible reporters.

Further, the law directs the Department to require reporting for the protection of the public health. The General Assembly has already balanced the issue of total privacy of the individual against the public health and the health of the individual, and has determined that an individual's complete privacy is subordinate to the Commonwealth's compelling need for protection of the public health through reporting of disease and condition information to the Department and the local health departments to facilitate epidemiological understanding and public health interventions. See the act (35 P. S. §§ 521.1–521.21). The act prohibits the departments from releasing this information to any other person, except under very limited conditions.

Comment

The Department should add the words "or is diagnosed within" to proposed § 27.32 (a), following the words "when the individual who is a subject of the report is a resident."

Response

The commentator misunderstood the proposal. The Department had proposed to repeal § 27.32(a) as it read at the time the proposals were made. The language referred to by the commentator is not included in § 27.32a(b).

Comment

Proposed § 27.32(a) (adopted as subsection (b)(1) of this section) would require that a report be made to the LMRO where the patient is diagnosed or tested. The Department is to be commended for including this language and changing its requirement that reports are to be made to the LMRO where the patient resides. The Department should make this change in all its disease regulations.

Response

The Department agrees that this should be the general reporting standard. In addition to retaining that language here, it has added similar language to its general regulations relating to communicable and noncommunicable disease reporting in § 27.4.

Comment

The Department should change the reference in proposed § 27.32(a)(4) (adopted as subsection (b)(4)(iv) of this section) from "perinatal exposure" to "vertical transmission."

Response

The Department has not changed the regulation in response to this comment, for the reasons cited in its response to comments on the definition of "perinatal exposure of a newborn to HIV" in § 27.1.

Comments

The Department should clarify what it means by "perinatal reporting." Will all newborns be tested? How will confidentiality be assured throughout the follow-up process?

There is a possibility of testing pregnant women. How will this be managed, and will confidentiality be ensured throughout any follow-up process?

Response

The Department has not changed the regulation in response to these comments. The Department is not requiring testing of newborns or pregnant women. The regulation requires a report of the exposure of the newborn to HIV. The Department has recommended that pregnant women be tested, through dissemination of CDC guidelines for reducing perinatal exposure. The Department will work with the provider to ensure that the mother is properly counseled and has the opportunity to receive treatment that would reduce the risk of transmission. Again, the Department will only become involved with the case upon invitation by the provider, although the Department may contact a provider, advise of the services the Department can provide, and ask whether Department assistance is desired. The provider does not breach confidentiality or the patient-physician relationship by reporting in accordance with the regulations, since the reporting of patient information required by these regulations is a statutorily authorized exception to patient privacy.

Comment

Children exposed to HIV during pregnancy will be tracked by name, even if they are uninfected. There is no

provision for removing from the database the names of those children who are shown not to be HIV positive by a negative confirmatory test. This should be included in the regulations.

Response

The Department has not changed the regulation in response to this comment. Children who are not HIV positive will not be a part of the HIV database. The names of children perinatally exposed to HIV will be maintained as part of the perinatal exposure database. The Department's retention of the names of children not found to be HIV positive after birth is to allow the Department to perform follow-up for several reasons. Requiring reporting of the perinatal exposure of newborns to HIV will enable the Department and local health departments to follow up on children known to be exposed to HIV at birth and to ensure that the child and mother are linked to a provider, in case the child is infected with HIV. A child born to a mother infected with HIV will have antibodies to HIV, since the baby will have its mother's antibodies to the virus. However, not all babies born to infected mothers are actually infected with HIV. The departments will be able to follow the child to recommend additional testing to determine whether or not the child is HIV positive following delivery and to aid in the referral of that mother and child for treatment.

Further, maintaining a list of children potentially exposed but not actually HIV positive will allow the Department to track certain treatments used in attempting to prevent the transmission of the infection, as has already been discussed.

Comment

The regulations should require a report of counseling given regarding treatment/prophylaxis, mode of prophylaxis chosen or denied and why, mode of delivery, and other indicators of efforts made to prevent vertical transmission. This would be useful in ensuring that best practices are in place and are utilized, when in the judgment of the woman, treatment is in her interest and those of the unborn child.

Response

The Department agrees that the question in the case report form that elicits information on prevention and care service referrals should be expanded. This will enable the Department to collect more useful information. The Department is taking steps to make that change to the form but sees no need to revise subsection (b) to do so.

Comment

The Department should strike the language "in a timely manner" from § 27.32(b) and replace it with a period of time consistent with the period of time in which other providers are required to report.

Response

The commentator misunderstood the proposal. The Department had proposed to repeal § 27.32(b) as it read at the time the proposals were made. The language referred to by the commentator is not included in § 27.32a(b).

Comments

The Department should remove references to the name of the individual from proposed § 27.32(b) (adopted as subsection (b)(2)(i) of this section) and replace it with a unique identifier.

The Department should add language stating that Philadelphia County will substitute an identifier for the patient's name and street address as required in proposed § 27.32(b)(1) (adopted as subsection (b)(2)(i) of this section) for reports of positive HIV test results.

Response

The Department has not changed the regulation in response to these comments. The Department has decided to use a system of name-reporting for the reasons previously discussed in this preamble. This reporting system will work the best for the Commonwealth if it is used throughout the Commonwealth.

Comment

Proposed § 27.32(b)(8) and (9) duplicate the list of diseases in proposed § 27.32(a) (adopted as subsection (b) of this section) and should be deleted.

Response

The Department has deleted the language and replaced it with a requirement that the test results be reported. (See subsection (b)(2)(viii)).

Comments

The language "probable mode of transmission" in proposed § 27.32(b)(10) (adopted as subsection (b)(2)(ix) of this section) requires a subjective assessment. This opens the door for judgments about the individual. Providers should be instructed to use only those categories of risk delineated by the CDC.

Rather than use the term "probable mode of transmission" the Department should use the exact language requesting the information used by the CDC report form on which the Department plans to collect this data.

Response

For purposes of clarification, the Department has changed the language. Subsection (b)(2)(ix) requires the patient's history on probable modes of transmission. The Department's reporting form is the CDC form, and the information the Department is soliciting are those categories of risk delineated by the CDC. Patient history information that is entered on the case report is essentially factual information elicited through patient interviews and counseling on the likely modes of transmission. This is documented in the patient chart or the counselor's notes and is not based on subjective judgments. As reported cases may often have multiple risks or exposures, the CDC data management software objectively assigns the patient's risk index for most likely/most probable mode of transmission using a hierarchical risk assignment algorithm based on a scientifically established hierarchy of relative risks for the various modes of transmission listed on the CDC report form. The phrase "patient history on probable modes of transmission" is therefore more descriptive of the information the Department intends to capture.

Comment

Unless the Department can specifically list what other information it would deem to be relevant, proposed § 27.32(b)(14) (included as subsection (b)(2)(xiii) of this section) which requires reporting of any other relevant information required by the Department, should be deleted.

Response

The Department agrees with the comment, and has deleted subsection (b)(2)(xiii).

Comment

The time line given for reporters to report in proposed § 27.32(c) is too short, given the amount of information expected. This is especially true for physicians, unless the Department expects reporting to be done before the clients are given post-test counseling as required by law. This would mean reports would be required before patients could be notified personally.

Response

The Department has not changed the regulation in response to this comment. The Department is requiring in subsection (b)(1) that the report be made within 5 days after the person subject to subsection (b) makes the diagnosis or receives the test result. This provides ample time for the physician or counselor to discuss the matter with the patient. In any event, the Department will not be making any contact with a patient without a request from or referral by the provider. Therefore, the Department will have no contact with the patient unless the provider determines that contact would be useful for the patient. The only exception would be in the event of a public health emergency or outbreak, which would require that the Department act expeditiously to prevent and control the spread of disease, an unlikely scenario with respect to HIV or AIDS.

Comment

In proposed § 27.32(c) (adopted as subsection (b)(3) of this section) the Department is requiring providers to maintain information in the patient's file. The Department should clarify what is meant by "the patient file." Is this to be electronic or on paper? Can the information be maintained in the disease report files, or must it be maintained in the patient's medical record?

Response

The Department has not changed the regulation in response to this comment. See subsection (b)(3). The Department intends the information to be maintained in the patient's medical record. The Department does not intend to specify the method by which that record is to be maintained.

Section 27.32b. Confidential and anonymous testing.

This section had been proposed as new § 27.32a. It is being renumbered for the reason previously discussed. It permits anonymous testing at certain sites designated by the Department as anonymous HIV testing sites and includes requirements for reporting by those sites. It also prohibits anonymous testing at any other site unless it is conducting blinded HIV testing authorized under section 5(f) of Act 148 (35 P. S. § 7605(f)).

Several commentators supported the Department's intention to continue to allow anonymous testing sites within the Commonwealth, since anonymous HIV testing provides a testing option for those who would otherwise refuse to be tested.

Comments

The mechanisms for State designation of anonymous testing sites are unclear.

The Department should explain how anonymous testing sites are to be chosen. Planned Parenthood has worked tirelessly to build relationships with its clients. If the Department does not permit these sites to continue as anonymous testing sites, the Department will lose this data, since name-based reporting is likely to deter persons who would have been tested at these sites from

being tested. The regulations should allow for sites currently providing anonymous testing to continue to do so.

In Bucks County, five Planned Parenthood sites and the county health department are the only sites at which anonymous testing are occurring. The hours at the county health department are inconvenient to young persons who work or are in school. The Department should make provisions in the regulations for sites currently providing anonymous testing to continue to do so.

The Department should ensure adequate numbers of anonymous testing sites. It is advisable to have one or more test sites per county.

The regulation does not define "State-designated," or indicate whether sites that are now providing anonymous testing will be "State-designated."

Response

To clarify the meaning and criteria applicable to anonymous and confidential testing and State-designated HIV testing sites, the Department has added definitions for these terms (see § 27.1) and has removed redundant language from this section. While the Department will not automatically accept any site currently performing anonymous HIV testing as a State-designated site, all Department-supported HIV counseling and testing sites will remain State-designated anonymous HIV testing sites. In addition, the Department may choose to designate and fund additional anonymous HIV testing sites if the Department finds, based on information reported to it under the Communicable Disease Regulations, that individuals are having problems accessing anonymous testing in a specific area. The Department may either ask a provider to provide anonymous testing or agree to a request from a provider where the same circumstances exist. A State-designated site must accept the Department's standards which are based on the CDC guidelines for the provision of HIV testing, counseling, referral and partner notification, and the Department may choose to grant that provider the funds to carry out the services. The CDC guidelines are available from the Department.

Anonymous HIV testing sites may also provide confidential testing.

The number of anonymous test sites is over 130, located throughout the Commonwealth. These include the Department's state health centers, local health departments, and sites operated by publicly funded providers. This number fluctuates because of the constant addition and deletion of sites due to changes in these agencies and the turnover of qualified counseling staff. The six county (Philadelphia, Allegheny, Bucks, Montgomery, Chester, and Erie) and four municipal (Allentown, Bethlehem, York, Wilkes-Barre) health departments were also asked by the Department to choose the number and location of sites to be designated as anonymous HIV testing sites in each of their health jurisdictions. The Department did not limit the number of anonymous sites each of the county and municipal health departments were permitted to choose.

Further, the Department's regulations do not prohibit persons who operate State-designated anonymous HIV testing sites from providing services in places where they have no physical facility. Once a site is designated by the Department, that site's operator can, and several do, send the site's workers into other communities where it has no physical facility to perform outreach and testing. The Department's regulations do not prohibit this type of outreach.

Comment

The number and distribution of anonymous HIV testing sites may be inadequate, particularly in rural areas. The Department's regulations limit anonymous testing sites to those designated by the Department, limiting an already small number of sites. Although the Department has stated there are over 100 testing sites, most of these sites offer both confidential and anonymous testing. There are only 10 true anonymous testing sites available. Limiting anonymous testing sites will deter persons from being tested. The Department should make a commitment in the regulations to increase access to anonymous testing and expand the number of anonymous HIV testing sites.

Response

It is not the intention of the Department to limit access to anonymous HIV testing. It is also not correct that there are only 10 true anonymous testing sites available. The Department has approximately 126 anonymous testing sites. The number of anonymous sites will fluctuate because of the constant additions and deletions of sites due to changes in contracted agencies and turnover of qualified counseling staff. All State-designated sites will provide anonymous testing if requested.

Comment

The regulations should require confidential testing sites to provide an explanation to the client that anonymous testing is available.

Response

While anonymous HIV testing sites also provide confidential testing, the choice is up to the individual being tested. In the course of pretest counseling at State-designated anonymous HIV testing sites, the individual is advised that he may choose to be tested confidentially or anonymously at that site. The Department supports other providers making persons aware of the possibilities of both anonymous and confidential testing and referring them to anonymous HIV testing sites, but will not require it. The Department is concerned that if a provider was required to offer anonymous testing to a person coming to that provider for treatment or services other than HIV services, the provider could then find it necessary to refer the person to another site, and valuable treatment opportunities could be lost. For example, a person referred from an STD clinic to another site for anonymous HIV testing might assume that the anonymous testing site could treat all his problems. He could fail to obtain necessary STD services, since those anonymous HIV testing sites might not have the capability to treat STD.

Comment

The availability, location and hours of anonymous HIV testing sites should be clearly established and publicized prior to the institution of these regulations.

Response

The regulations will be effective 90 days after publication. The Department will post lists of State-designated anonymous HIV testing sites on its website, including the days and hour of operation of each during this 90-day period.

Comment

The regulations should make reference to periodic audits that will ensure anonymous testing is available to all Pennsylvania citizens throughout this Commonwealth.

Response

The Department has not changed the regulation in response to this comment. The Department will maintain quality control of the State-designated anonymous HIV testing sites in a manner that is consistent with the need to ensure the quality of patient care. The Department will also monitor the sites to ensure that anonymous HIV testing is actually available at those sites.

Comment

Anonymous testing should not be permitted at only State-designated sites. Anonymous testing should be the standard procedure throughout this Commonwealth.

Response

The Department has already discussed its reasons for choosing to promote confidential name reporting as its primary mechanism for receiving HIV case reports.

Comment

The Department should add the following language:

Anonymous testing for HIV in Philadelphia will be provided at those sites designated by the local health authority. Anonymous testing in Philadelphia is testing provided to an individual without collecting the name or any other information that could be used to ID an individual (street address, or algorithms based all or in part on the individual's name, social security number, date of birth). Confidential HIV testing in Philadelphia will require that the name of the individual tested be collected and reported to the local health authority upon receipt of reportable test results. Case reports on reportable HIV results obtained from all but anonymous test sites will be reported to the State substituting a UI for the name of the individual for whom a reportable HIV test result was obtained.

The Department should add the following language:

Philadelphia will report anonymous HIV test results without identifiers, utilizing the case identification number to differentiate case reports.

Response

The Department has not changed the regulation in response to this comment. The Department has decided to use a system of name reporting for reasons previously discussed in this preamble. This reporting system will work best for the Commonwealth if it is used throughout this Commonwealth.

Comment

The Department should delete the language from subsection (a) that states "persons or entities reporting as required in this section shall offer all HIV and AIDS-related services confidentially and may not provide anonymous testing or consider any test or its results to be anonymous." The language is confusing and seems to indicate that anonymous providers must report confidentially.

Response

The Department agrees that the section should be clarified, although it has not deleted the language in response to this comment. The Department has added, at the end of that sentence, the last sentence of subsection (a), the phrase "unless it is a State-designated anonymous HIV testing site." This language reinforces the Department's requirement that only State-designated testing sites may perform anonymous testing.

Comments

The Department appears to be negating the intent of anonymous HIV testing by requiring the reporting of addresses and dates of birth. Unless two persons are twins and live together, this can hardly be considered to be anonymous HIV testing.

If anonymous testing sites report the information as the regulations require, how does the test remain anonymous? Does the Department intend to include certain categories of information from proposed § 27.32? Why is this information, date of birth, address, sex, race, required in an anonymous test?

Response

The Department has revised subsection (b) to clarify that the Department is not requiring the reporting of addresses, social security numbers and other potentially identifying data on individuals for whom an anonymous test was conducted. The data collected will be the information listed in § 27.32a(b)(2), except for name and address, which is information useful for the public health purpose of assessing whether targeted high risk populations are being reached by counseling and testing. The Department has also changed the regulation to clarify that a preprinted number on the Department's HIV Counseling and Referral Form will be reported in lieu of the information required in § 27.32a(b)(2)(i), with the exception of the individual's county of residence. An algorithm will not be used.

Section 27.32c. Counseling, testing, referral and partner notification services.

This section had been proposed as new § 27.32b. It is being renumbered for the reason previously discussed. It states that counseling, testing, referral and partner notification must be done in accordance with Act 148. It also states that a person providing HIV test results to a patient may ask for the Department's assistance in doing so.

Comment

The language that states that persons may ask the Department's assistance if to do so would not violate Act 148 seems to suggest that the regulation supersedes the statute. This is not legally permissible.

Response

This section is included in the regulations so that the requirements of Act 148 would be considered by providers and acted upon. Act 148, however, provides that information may be released to the Department without consent as authorized by the act. Since the act gives the Department the authority to require reporting of HIV through the promulgation of regulations, as the Department has now done, information may be shared with the Department for purposes of posttest counseling without violating Act 148. Therefore, the language that states the Department's assistance may only be sought if Act 148 permits it is unnecessary, and the Department has deleted it.

Comments

The Department should clarify how follow-up of HIV infected persons will occur under a system of name reporting and how confidentiality will be affected or improved. How will partner notification be handled?

We are concerned about how confidentiality will be protected during follow-up. We have had success in convincing the client to bring partners in when there is a diagnosis of STD or a potential for HIV infection. Partner notification will be complicated by name reporting.

Response

The Department currently performs partner notification or, as it is now referred to, partner counseling and referral services (PCRS), and has done so for some time. PCRS has two goals: first, to provide counseling and testing services to sex and needle sharing partners of HIV infected persons so they can avoid infection or, if they are already infected, to prevent transmission to others; and second, to help partners gain earlier access to HIV counseling, testing, medical evaluation, treatment and other prevention services. These could include, for example, STD treatment, drug treatment, violence prevention, social support, family planning and housing.

The agreement to participate in the PCRS is voluntary on the part of the HIV infected person. In PCRS, the infected person is encouraged to voluntarily and confidentially disclose the identifying, locating and exposure information for each sex or needle-sharing partner that the Department or the infected person will attempt to inform. During the the the PCRS, information about the infected person is never revealed to the partner; this includes the person's name, sex, and physical description, or time, type, or frequency of exposure the partner may have had with the infected person.

During HIV prevention counseling, the rationale and options for the PCRS are explained by the counselor. The counselor assists the HIV infected person in understanding the person's responsibility for ensuring the person's partners are informed of their possible exposure and for referring those partners to HIV prevention counseling, testing and other support services. The prevention counselor counsels the person on if, how and when specific partners should be informed of their risk of exposure. The options for the PCRS are discussed and a plan for notifying each partner is developed. Options for the PCRS include: client referral, in which the HIV infected person informs the person's partners and refers them to HIV counseling and testing services; provider referral, in which the provider informs the person's partners and provides the HIV counseling and testing; or dual or combined referral, in which both the infected person and the provider together inform the person's partners.

PCRS personnel never reveal to the individual's friends, relatives or neighbors why they are trying to find a person. They never leave a note or message that mentions HIV exposure as the reason for attempting to make contact. No information is revealed that might lead others to learn the reason for the attempted contact or that might otherwise lead to disclosure of sensitive information or to a breach of confidentiality. When the Department is involved in the partner notification process, all partners are informed of their possible exposure to HIV privately and face-to-face. If the partner refuses to meet with the provider, a telephone call might become necessary, but only limited information is provided to the partner over the phone, with the ultimate goal of arranging a face-to-face meeting.

Name reporting should not have an impact on this system. Partners must agree to be tested, and the fact that they choose to meet with a provider does not mean that testing occurs. Once the anonymous and confidential HIV testing options are explained to them, in the Department's experience, most partners opt for confidential HIV testing.

Section 27.32d. Department authority to require complete reporting.

This section had been proposed as new § 37.32c, rather than § 27.32c, as a result of a typographical error. It is

being renumbered for the reason previously discussed. It reiterates the Department's authority, contained in the act, to make complete investigations of communicable and noncommunicable diseases, infections and conditions, including outbreaks. This includes the Department's authority to review records of reporters as necessary.

Comment

The section is unclear and should be broken into two sentences.

Response

The Department has made the change suggested.

Comment

Although the Department's need for the information is understood, the Department did not implement the HIV regulations in a timely fashion. The Department should work with physicians and hospitals to develop the most effective and least disruptive means of collecting needed information. This same comment is applicable to § 27.32e (relating to record audits).

Response

The Department is cognizant of the need for cooperation and education. The Department currently conducts case investigations involving physicians and hospitals and always attempts to work with those entities to obtain their cooperation. The Department intends to continue that practice.

Comment

The Department should strike out "all other persons or entities providing HIV services" from this section, because only physicians or clinicians can make a diagnosis.

Response

As the Department has stated in its responses to comments on proposed § 27.32(a) (adopted as 27.32a(b)), the regulations do not require any person to make a diagnosis. No person should be making a diagnosis other than a person who, within the scope of that person's practice, is authorized to do so.

Section 27.32e. Record audits.

This section had been proposed as new § 27.32d. It is being renumbered for the reason previously discussed. It states that the Department will conduct record audits back to January 1, 2000, for the purposes of completing case investigations.

The Department has added the word "to" between the words "chapter" and "ensure" in subsection (b).

Comment

The Department should strike out "all other persons or entities providing HIV services" from subsection (a), because only physicians or clinicians can make a diagnosis.

Response

The Department has not changed the regulation in response to this comment. As the Department has stated in its responses to comments on proposed § 27.32(a) (adopted as § 27.32a(b)), the regulations do not require any person to make a diagnosis. As the Department has stated, it does not expect any person to make a diagnosis other than a person authorized to do so within the scope of that person's practice. If a diagnosis of AIDS is made, then it must be reported.

Comments

The Department should delete the proposed language stating that it will conduct audits back to January 1, 2000. This could create legal problems for providers who do not have consents permitting them to release this information. If the individual is in care, he will have periodic tests, which in the course of a year will cause him to be reported to the Department.

The proposed section violates the physician/patient privilege and ignores the need for patient consent.

Response

The Department has not changed the regulation in response to these comments. The audits will be done to collect information to complete HIV and CD4 T-lymphocyte case reports. The Department is instituting this requirement to allow it not only to track disease trends, but to complete case investigations and obtain information necessary to complete applications for Federal funding grants from the United States Department of Health and Human Services (HHS). One of the reasons the Department included this section, and § 27.32d, is that, in the past, the Department has had difficulty in securing cooperation from some providers. They have refused to allow the Department to review patient records to enable the Department to complete its case report files.

The Department's authority to conduct these record reviews without patient consent is clear in the act. Sections 3 and 5 of the act (35 P. S. §§ 521.3 and 521.5) give the Department and the local health departments the responsibility for the prevention and control of the spread of disease (section 3(a) and (b) of the act) and the authority to take any disease control measure necessary to protect the public health upon receipt of a report of a disease (section 5 of the act). Section 16 of the act (35 P. S. § 521.16) gives the Department, through the Board, the ability to promulgate whatever regulations are necessary to prevent and control the spread of disease. Further, section 2102(a) of The Administrative Code of 1929 (Code) (71 P. S. § 532(a)) gives the Department the authority to take the most efficient and practical means necessary for the prevention and suppression of disease. The reviews permitted by this section are necessary for locating cases of HIV and AIDS and controlling and preventing the spread of disease. Consequently, the Department is authorized by the act to promulgate regulations concerning those reviews and is not required to obtain patient consent to conduct those reviews. The fact that the information is HIV related information does not change this provision, since Act 148 includes an exception that allows the information to be provided to the departments for the purpose of disease control and prevention. See section 7(a) of Act 148.

Further, since section 4 of the act (35 P. S. § 521.4) places reporting responsibilities on certain persons, and section 16(a) and (b) of the act (35 P. S. § 521.16(a) and (b)) give the Department the authority to promulgate regulations to effectuate these reporting requirements, the Department has the authority to review these records to ensure that reporting is occurring appropriately. The regulation, therefore, clearly states the Department's authority to conduct these types of reviews of patient records. This should eliminate the occasional lack of cooperation on the part of providers.

Comment

The Department should not limit its ability or the ability of local health departments to obtain information

by placing a time limitation on its back auditing. It should delete from subsection (a) the reference to January 1, 2000.

Response

In considering the interests of providers as well as the need for information, the Department has determined that reviewing information back to January 1, 2000, will sufficiently serve its purpose.

Comment

What are the "special reports" referenced by the Department in subsection (b)?

Response

By the term "special reports," the Department means reports that are not specifically disease reports but, rather, are intended to help the Department prevent, track, and control the spread of disease in a particular situation or that will enable the Department to monitor reporting practices. For example, several years ago the Department received reports of needle stick injuries in a particular county caused by adolescents surreptitiously sticking other persons with needles and raising concern of potential exposures to blood-borne diseases. The Department requested that the provider who initially made the report respond to a report form developed by the Department with regard to these specific incidents, including a time line and other questions relating to the potential exposures.

As another example, the Department could request that certain providers respond to a given set of ICD-9 codes with a listing of all cases matching those codes and the dates, if any, that the case was reported to the Department. This would enable the Department to determine if reporting by those specific providers was complete.

Several commentators made general comments that were not associated with any section or regulatory provision.

Comments

The effective date is unrealistic given the publicity and training that needs to be accomplished.

It will be hard for reporters to be prepared to report by January 1, 2002. There will be limited staff available to implement these requirements. The Department should adjust implementation accordingly.

Response

The Department has changed the regulation. The Department had originally proposed a January 1, 2002, implementation date for reporting; however, the promulgation of these regulations was dependent upon the promulgation of final rulemaking relating to communicable and noncommunicable diseases. Those regulations were effective on January 26, 2002, therefore, the Department could not keep to the proposed implementation date. The implementation date for reporting will be 90 days after the effective date of these regulations. The Department's operational plan includes time for training and education of providers. The Department is prepared to deal with issues that arise during that phase of the process.

Comment

The use of the term "public health intervention" in the preamble to the proposed regulations is neither defined nor described in regulatory language and so is open to broad interpretation. Interventions should be specifically designed using best practice models and described in

detail in regulatory language. These should only be implemented as a last resort after a clinician has exhausted all other avenues of contacting an individual, not as a first step as the regulations suggest. Community-based organizations should be included in these interventions.

Response

The Department has not changed the regulations in response to this comment. The term "public health intervention" does not appear in the regulations and only appears in the preamble to proposed rulemaking in language discussing the Department's reasons for requiring the reporting of low CD4 T-lymphocyte counts that may ultimately prove not to be connected to HIV or AIDS. The Department has not included descriptions of "best practices" for public health interventions in the regulations. Public health practices change with changing science and the development of new and more effective methodologies for preventing and controlling the spread of disease. The Department will not tie itself to practices which might become outmoded. The Department consistently acts within CDC guidelines in carrying out its public health function.

With respect to the manner in which the Department will interact with private providers in the context of HIV cases, the Department has said that it will not directly contact the individual. The Department will use the provider as the point of contact, and will not intervene in the case without offering its services to the infected individual through the auspices of the provider.

Comment

The Department should add a penalty for those reporters who do not report in violation of the regulations. Allegheny County Health Department makes failure to report a summary offense and a civil penalty of up to \$300.

Response

The Department has not changed the regulation in response to this comment. This rulemaking is a part of the Department's communicable disease regulations and is being promulgated under the act. The act includes the same \$300 penalty and summary offense referenced by the commentator for any violation of the act or regulations promulgated under the act. Section 20 of the act (35 P. S. § 521.20). For the Department to impose an additional penalty would require action on the part of the General Assembly.

Comment

The discrepancy between this rulemaking and the rulemaking relating to communicable and noncommunicable diseases will make who is to report AIDS unclear.

Response

The Department has not changed the regulations in response to this comment. There will be no discrepancy in Chapter 27 of the Department's regulations regarding who is to report AIDS. The Department had proposed to delete language from its regulations requiring hospitals to report cases of AIDS. See 30 Pa. B. 2715 (May 27, 2000). That deletion was inadvertent. The Department addressed that issue in its final rulemaking published at 32 Pa.B. 491. As discussed previously in this Preamble, the Department has taken steps to coordinate this rulemaking with the January 26, 2002, amendments to Chapter 27.

C. Affected Persons

These final-form regulations affect physicians, hospitals and other persons or entities providing HIV services who diagnose AIDS or who provide or receive HIV and CD4 T-lymphocyte test results. They are required to report diagnosed cases of AIDS, HIV test results, low CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV. The regulations also affect laboratories, which are required to report certain positive HIV test results and CD4 T-lymphocyte counts of a certain level.

The final-form regulations also affect local health departments that are involved in the reporting system, particularly the local health departments for Allegheny and Philadelphia Counties, which are currently considering or which have already implemented CD4 T-lymphocyte reporting. The regulations impact persons with AIDS, persons with HIV infection and at risk for contracting HIV, persons with low CD4 T-lymphocyte counts, and pregnant women at risk for HIV or who test positive for HIV, and their newborn children. Unless these individuals choose to seek testing at an anonymous testing site (an option not available for pregnant women being tested during or immediately prior to labor because they are most likely in a hospital setting where anonymity is impossible), the names of those persons with these conditions or infected with HIV will be reported to the Department. The required reporting of these conditions and test results permits the Department to obtain more accurate information regarding the trends of the disease, and, therefore, to target funding to programs that would provide maximum benefit to these individuals. Further, reporting of cases to the Department enables public health professionals to provide counseling, testing and referral to infected persons, and with the individual's permission, to conduct contact tracing which can lead to early detection and treatment.

D. Cost And Paperwork Estimate

1. Cost

The final-form regulations have no measurable fiscal impact on local government, the private sector or the general public, because the disease reporting system already exists in this Commonwealth. There will be an increase in cost of \$500,000 to the Commonwealth, since the Department anticipates spending that amount for additional positions in the ten local health departments for staff to carry out case management activities, including counseling, testing, referral, and partner notification. The Department anticipates this increase in personnel will be necessary because of the increase in the number of actual cases that should be reported once the reporting of the additional conditions imposed by this rulemaking goes into effect. The Department believes that this increase in cost to the Commonwealth will be outweighed by the savings from these final-form regulations, caused by reporting of information that will enable the Department to focus prevention efforts on the most at-risk populations. Over time, these activities will cause a reduction in the number of HIV cases in this Commonwealth. This will reduce health care costs.

No additional cost accrues from the Department's provision of software for electronic reporting, since the Department obtains that software for these purposes free-of-charge from the CDC. It is anticipated that any additional modification to the software necessary to suit the Department's purposes will be done either in-house or at no additional charge to the Department by current contractors.

2. Paperwork Estimates

Because the disease reporting system is already in place in this Commonwealth, the addition of other diseases and conditions to the list of reportable diseases and conditions creates no measurable increase in paperwork. Cases of HIV, low CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV will be reported and investigated in a similar manner to cases of currently listed diseases, infections, and conditions using National case definitions and a reporting format similar to that currently used to report AIDS. The Department is requiring electronic reporting but is offering the software, free of charge, to those persons required to report. The Department is willing to accept alternative forms of electronic reporting from those who do not have internet access, for example, by accepting reporting by diskette.

E. Statutory Authority

The Department obtains its authority to promulgate regulations relating to reporting of communicable and noncommunicable diseases from the act. The act provides the Board with the authority to issue rules and regulations on a variety of matters relating to communicable and noncommunicable diseases, including which diseases are to be reported, the methods of reporting diseases, the contents of reports and the health authorities to whom diseases are to be reported, what control measures are to be taken with respect to which diseases and any other matters the Board may deem advisable for the prevention and control of disease, and for carrying out the provisions and purposes of the act. See section 16(a) of the act. Section 16(b) of the act gives the Secretary the authority to review existing regulations and make recommendations to the Board for changes the Secretary considers to be desirable.

The Department also finds general authority for the promulgation of its regulations in the Code. Section 2102(g) of the Code (71 P. S. § 532(g)) gives the Department this general authority. Section 2111(b) of the Code (71 P. S. § 541(b)) provides the Board with additional authority to promulgate regulations deemed by the Board to be necessary for the prevention of disease, and for the protection of the lives and the health of the people of this Commonwealth. That section further provides that the regulations of the Board shall become the regulations of the Department. Section 2106(a) of the Code (71 P. S. § 536(a)) provides the Department with additional authority to declare diseases to be communicable and to establish regulations for the prevention and control of disease.

Several statutes provide the Department with authority to command disease prevention and control measures within certain institutions. Section 803 of the Health Care Facilities Act (35 P. S. § 448.803) provides the Department with the authority to promulgate regulations relating to the licensure of health care facilities and allows the Department to require that certain actions relating to disease control and prevention occur within health care facilities. Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059), which provide the Department with the authority to license inpatient drug and alcohol abuse treatment facilities, play the same role with respect to the Department's ability to require disease prevention and control measures in those facilities.

F. Effectiveness/Sunset Dates

The final-form regulations will become effective upon final publication in the *Pennsylvania Bulletin*, however,

the reporting requirements for positive HIV tests, low CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV will not become effective until October 18, 2002. No sunset date has been established. The Department will continually review and monitor the effectiveness of these regulations.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 10, 2001, the Department submitted a copy of notice of proposed rulemaking published at 31 Pa.B. 2126, to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received as well as other documentation.

In compliance with section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), the Department submitted a copy of the final-form regulations to IRRC and the Committees on May 15, 2002. In addition, the Department provided IRRC and the Committees with information pertaining to commentators and a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request. In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the Committees on June 10, 2002. IRRC met on June 13, 2002 and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act. The Attorney General approved the regulations on June 26, 2002.

H. Contact Person

Questions regarding this final-form rulemaking may be submitted to Joel H. Hersh, Director, Bureau of Epidemiology, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-4677. Persons with disabilities may submit questions in alternative formats such as audio tape, Braille or by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT]. Persons who require an alternative format of this document may contact Joel Hersh at the previously listed address or telephone numbers so that necessary arrangements may be made.

I. Findings

The Department, with the approval of the Board, finds that:

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

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

(3) The adoption of the regulations in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

J. Order

The Department, with the approval of the Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 28 Pa. Code Chapter 27, are hereby amended by deleting § 27.21; by amending §§ 27.1, 27.21a, 27.22 and 27.23; and by adding §§ 27.32a, 27.32b, 27.32c, 27.32d and 27.32e, to read as set forth in Annex A with ellipses referring to the exiting text of the regulations.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

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

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

ROBERT S. ZIMMERMAN, Jr., Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 3183 (June 29, 2002).)

Fiscal Note: Fiscal Note 10-166 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 28. HEALTH AND SAFETY

PART III. PREVENTION OF DISEASES

CHAPTER 27. COMMUNICABLE AND NONCOMMUNICABLE DISEASES

Subchapter A. GENERAL PROVISIONS

§ 27.1. Definitions.

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

* * * * *

AIDS (Acquired Immune Deficiency Syndrome)—As defined by the CDC case definition published in the CDC Morbidity and Mortality Weekly Report (MMWR). (The Department will publish in the Pennsylvania Bulletin a reference to a CDC update of the case definition within 30 days of its publication in the MMWR).

Anonymous HIV Testing—HIV testing performed at a State-designated HIV testing site for an individual who chooses not to provide his name in giving consent for the testing.

CDC—Centers for Disease Control and Prevention.

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Confidential HIV testing—HIV testing performed for an individual who, in giving his consent for the testing, provides his name and other personal or demographic identifiers.

* * * * *

FDA—Food and Drug Administration.

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HIV services—The range of services, including prevention, counseling, testing, treatment, case management, support and referral services, which are provided to persons infected with or affected by HIV or AIDS, and are intended to alleviate physical and psychosocial problems created by these diseases and conditions.

* * * * *

Perinatal exposure of a newborn to HIV—The potential perinatal transmission of HIV to a newborn indicated by a positive HIV test result for the pregnant woman or mother of a newborn.

* * * * *

State-designated anonymous HIV testing site—An HIV testing site supported by the Department either through direct funding or payment for testing, which provides anonymous and confidential testing and which agrees to adhere to the CDC's counseling and testing standards and guidelines issued by the Department.

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Subchapter B. REPORTING OF DISEASES

§ 27.21. (Reserved).

§ 27.21a. Reporting of cases by health care practitioners and health care facilities.

(a) Except as set forth in this section or as otherwise set forth in this chapter, a health care practitioner or health care facility is required to report a case of a disease, infection or condition in subsection (b) as specified in § 27.4 (relating to reporting cases), if the health care practitioner or health care facility treats or examines a person who is suffering from, or who the health care practitioner or health care facility suspects, because of symptoms or the appearance of the individual, of having a reportable disease, infection or condition:

(1) A health care practitioner or health care facility is not required to report a case if that health care practitioner or health care facility has reported the case previously.

(2) A health care practitioner or health care facility is not required to report a case of influenza unless the disease is confirmed by laboratory evidence of the causative agent.

(3) A health care practitioner or health care facility is not required to report a case of chlamydia trachomatis infection unless the disease is confirmed by laboratory evidence of the infectious agent.

(4) A health care practitioner or health care facility is not required to report a case of cancer unless the health care practitioner or health care facility provides screening, therapy or diagnostic services to cancer patients.

(5) Only physicians and hospitals are required to report cases of AIDS.

(b) The following diseases, infections and conditions in humans are reportable by health care practitioners and health care facilities within the specified time periods and as otherwise required by this chapter:

(1) The following diseases, infections and conditions are reportable within 24 hours after being identified by symptoms, appearance or diagnosis:

- Animal bite.
Anthrax.
Arboviruses.
Botulism.
Cholera.

Diphtheria.
 Enterohemorrhagic *E. coli*.
 Food poisoning outbreak.
 Haemophilus influenzae invasive disease.
 Hantavirus pulmonary syndrome.
 Hemorrhagic fever.
 Lead poisoning.
 Legionellosis.
 Measles (rubeola).
 Meningococcal invasive disease.
 Plague.
 Poliomyelitis.
 Rabies.
 Smallpox.
 Typhoid fever.

(2) The following diseases, infections and conditions are reportable within 5 work days after being identified by symptoms, appearance or diagnosis:

AIDS.
 Amebiasis.
 Brucellosis.
 CD4 T-lymphocyte test result with a count of less than 200 cells/ μ L or a CD4 T-lymphocyte percentage of less than 14% of total lymphocytes (effective October 18, 2002).
 Campylobacteriosis.
 Cancer.
 Chancroid.
 Chickenpox (varicella) (effective January 26, 2005).
 Chlamydia trachomatis infections.
 Congenital adrenal hyperplasia (CAH) in children under 5 years of age.
 Creutzfeldt-Jakob Disease.
 Cryptosporidiosis.
 Encephalitis.
 Galactosemia in children under 5 years of age.
 Giardiasis.
 Gonococcal infections.
 Granuloma inguinale.
 Guillain-Barre syndrome.
 HIV (Human Immunodeficiency Virus) (effective October 18, 2002).
 Hepatitis, viral, acute and chronic cases.
 Histoplasmosis.
 Influenza.
 Leprosy (Hansen's disease).
 Leptospirosis.
 Listeriosis.
 Lyme disease.
 Lymphogranuloma venereum.
 Malaria.
 Maple syrup urine disease (MSUD) in children under 5 years of age.
 Meningitis (All types not caused by invasive Haemophilus influenzae or *Neisseria meningitidis*).
 Mumps.
 Perinatal exposure of a newborn to HIV (effective October 18, 2002).
 Pertussis (whooping cough).
 Phenylketonuria (PKU) in children under 5 years of age.
 Primary congenital hypothyroidism in children under 5 years of age.
 Psittacosis (ornithosis).
 Rickettsial diseases.
 Rubella (German measles) and congenital rubella syndrome.
 Salmonellosis.
 Shigellosis.
 Sickle cell disease in children under 5 years

of age.
 Staphylococcus aureus, Vancomycin-resistant (or intermediate) invasive disease.
 Streptococcal invasive disease (group A).
 Streptococcus pneumoniae, drug-resistant invasive disease.
 Syphilis (all stages).
 Tetanus.
 Toxic shock syndrome.
 Toxoplasmosis.
 Trichinosis.
 Tuberculosis, suspected or confirmed active disease (all sites).
 Tularemia.

(c) A school nurse shall report to the LMRO any unusual increase in the number of absentees among school children. A caregiver at a child care group setting shall report to the LMRO any unusual increase in the number of absentees among children attending the child care group setting.

(d) A health care facility or health care practitioner providing screening, diagnostic or therapeutic services to patients with respect to cancer shall also report cases of cancer as specified in § 27.31 (relating to reporting cases of cancer).

§ 27.22. Reporting of cases by clinical laboratories.

(a) A person who is in charge of a clinical laboratory in which a laboratory test of a specimen derived from a human body yields microscopical, cultural, immunological, serological, chemical, virologic, nucleic acid (DNA or RNA) or other evidence significant from a public health standpoint of the presence of a disease, infection or condition listed in subsection (b) shall promptly report the findings, no later than the next work day after the close of business on the day on which the test was completed, except as otherwise noted in this chapter.

(b) The diseases, infections and conditions to be reported include the following:

Amebiasis.
 Anthrax.
 An unusual cluster of isolates.
 Arboviruses.
 Botulism—all forms.
 Brucellosis.
 CD4 T-lymphocyte test result with a count of less than 200 cells/ μ L or less than 14% of total lymphocytes (effective October 18, 2002).
 Campylobacteriosis.
 Cancer.
 Chancroid.
 Chickenpox (varicella).
 Chlamydia trachomatis infections.
 Cholera.
 Congenital adrenal hyperplasia (CAH) in children under 5 years of age.
 Creutzfeldt-Jakob disease.
 Cryptosporidiosis.
 Diphtheria infections.
 Enterohemorrhagic *E. coli* 0157 infections, or infections caused by other subtypes producing shiga-like toxin.
 Galactosemia in children under 5 years of age.
 Giardiasis.
 Gonococcal infections.
 Granuloma inguinale.
 HIV (Human Immunodeficiency Virus) (effective October 18, 2002).
 Haemophilus influenzae infections—invasive from sterile sites.

Hantavirus.
 Hepatitis, viral, acute and chronic cases.
 Histoplasmosis.
 Influenza.
 Lead poisoning.
 Legionellosis.
 Leprosy (Hansen's disease).
 Leptospirosis.
 Listeriosis.
 Lyme disease.
 Lymphogranuloma venereum.
 Malaria.
 Maple syrup urine disease (MSUD) in children under 5 years of age.
 Measles (rubeola).
 Meningococcal infections—invasive from sterile sites.
 Mumps.
 Pertussis.
 Phenylketonuria (PKU) in children under 5 years of age.
 Primary congenital hypothyroidism in children under 5 years of age.
 Plague.
 Poliomyelitis.
 Psittacosis (ornithosis).
 Rabies.
 Respiratory syncytial virus.
 Rickettsial infections.
 Rubella.
 Salmonella.
 Shigella.
 Sick cell disease in children under 5 years of age.
 hemoglobinopathies in children under 5 years of age.
 Staphylococcus aureus Vancomycin-resistant (or intermediate) invasive disease.
 Streptococcus pneumoniae, drug-resistant invasive disease.
 Syphilis.
 Tetanus.
 Toxoplasmosis.
 Trichinosis.
 Tuberculosis, confirmation of positive smears or cultures, including results of drug susceptibility testing.
 Tularemia.
 Typhoid.

(c) The report shall include the following, except as provided in subsection (d):

- (1) The name, age, address and telephone number of the person from whom the specimen was obtained.
- (2) The date the specimen was collected.
- (3) The source of the specimen (such as, serum, stool, CSF, wound).
- (4) The name of the test or examination performed and the date it was performed.
- (5) The results of the test.
- (6) The range of normal values for the specific test performed.
- (7) The name, address and telephone number of the physician for whom the examination or test was performed.
- (8) Other information requested in case reports or formats specified by the Department.

(d) Laboratory test results shall be reported by the person in charge of a laboratory directly to the Department's Bureau of Epidemiology through secure electronic mechanisms in a manner specified by the Department,

except for the following: Reports of CAH, galactosemia maple syrup urine disease, phenylketonuria, primary congenital hypothyroidism, sickle cell disease, cancer, CD4 T-lymphocyte test results with a count of less than 200 cells/ μ L or less than 14% of total lymphocytes, HIV (Human Immunodeficiency Virus), and lead poisoning shall be made in the manner and to the location specifically designated in this subchapter. See §§ 27.30, 27.31, 27.32a and 27.34.

(e) A clinical laboratory shall submit isolates of salmonella and shigella to the Department's Bureau of Laboratories for serotyping within 5 work days of isolation.

(f) A clinical laboratory shall submit isolates of Neisseria meningitidis obtained from a normally sterile site to the Department's Bureau of Laboratories for serogrouping within 5 work days of isolation.

(g) A clinical laboratory shall send isolates of enterohemorrhagic E. coli to the Department's Bureau of Laboratories for appropriate further testing within 5 work days of isolation.

(h) A clinical laboratory shall send isolates of Haemophilus influenzae obtained from a normally sterile site to the Department's Bureau of Laboratories for serotyping within 5 work days of isolation.

(i) The Department, upon publication of a notice in the *Pennsylvania Bulletin*, may authorize changes in the requirements for submission of isolates based upon medical or public health developments when such departure is determined by the Department to be necessary to protect the health of the people of this Commonwealth. The change will not remain in effect for more than 90 days after publication unless the Board acts to affirm the change within that 90-day period.

§ 27.23. Reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories.

Except with respect to reporting cancer, AIDS, CD4 T-lymphocyte test result with a count of less than 200 cells/ μ L or less than 14% of total lymphocytes, HIV test results or perinatal exposure of a newborn to HIV, individuals in charge of the following types of group facilities identifying a disease, infection or condition listed in § 27.21a (relating to reporting of cases by health care practitioners and health care facilities) by symptom, appearance or diagnosis shall make a report within the timeframes required in § 27.21a (relating to reporting of cases by health care practitioners and health care facilities):

- (1) Institutions maintaining dormitories and living rooms.
- (2) Orphanages.
- (3) Child care group settings.

§ 27.32a. Reporting AIDS, HIV, CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV.

(a) *Reporting by clinical laboratories.*

(1) A person in charge of a clinical laboratory shall report CD4 T-lymphocyte test results as defined in § 27.22(b) (relating to reporting of cases by clinical laboratories) electronically to the HIV/AIDS Epidemiology Section, Division of Infectious Disease Epidemiology, Bureau of Epidemiology, within 5 days of obtaining the test results.

(2) A person in charge of a clinical laboratory shall report positive test results of any test approved by the FDA to establish the presence of HIV, including a serologic, virologic, nucleic acid (DNA or RNA) or any other type of test the FDA approves to establish the presence of HIV. The report shall be made to the HIV/AIDS Epidemiology Section, Division of Infectious Disease Epidemiology, Bureau of Epidemiology, within 5 days of obtaining the test results.

(3) The report shall include the following information:

(i) The individual's name and the address, city, county, and zip code of the individual's residence.

(ii) The patient identifying number assigned to the individual by the physician or at the facility requesting the laboratory test.

(iii) The individual's date of birth (month, day, year).

(iv) The individual's sex.

(v) The individual's race/ethnicity.

(vi) The date of each test performed.

(vii) The type of tests performed.

(viii) The results of the tests.

(ix) The name of the person or entity submitting the specimen for testing.

(x) The address of the person or entity submitting the specimen for testing, including the zip code, physical address and telephone number of the submitter.

(4) To enable the laboratory to complete the report it is required to file with the Department, a person or entity that requests a laboratory test for HIV or a CD4 T-lymphocyte count shall provide to the laboratory the information in subsection (a)(3), with the exception of subparagraphs (vi)—(ix). In addition to the information included in subsection (a)(3), a person or entity that requests a laboratory test for HIV or a CD4 T-lymphocyte count shall provide to the laboratory the date each test was requested and the type of test or tests requested.

(b) Reporting by physicians, hospitals, persons or entities, who diagnose AIDS or who receive or provide HIV and CD4 T-lymphocyte test results.

(1) A physician, hospital, person providing HIV services or person in charge of an entity providing HIV services, who makes a diagnosis of AIDS or who receives HIV or CD4 T-lymphocyte test results or provides HIV or CD4 T-lymphocyte test results to patients, shall report the following to the LMRO responsible for the geographic area in which the person is tested or diagnosed within 5 business days of the diagnosis of AIDS or the receipt of the results of the test:

(i) A diagnosis of AIDS.

(ii) A positive result of any test approved by the FDA to establish the presence of HIV, including a serologic, virologic, nucleic acid (DNA or RNA) or any other type of test the FDA approves to establish the presence of HIV (effective October 18, 2002).

(iii) A CD4 T-lymphocyte test result with a count of less than 200 cells/ μ L or a CD4 T-lymphocyte percentage of less than 14% of total lymphocytes (effective October 18, 2002).

(iv) A perinatal exposure of a newborn to HIV (effective October 18, 2002).

(2) A report of an HIV test result, CD4 T-lymphocyte count, AIDS case based on the CDC case definition, or perinatal exposure of a newborn to HIV shall include the following information:

(i) The individual's name and the address, city, county and zip code of the individual's residence.

(ii) The patient identifying number assigned to the individual by the physician or at the facility requesting the laboratory test.

(iii) The individual's date of birth.

(iv) The individual's sex.

(v) The individual's race or ethnicity.

(vi) The date of each test performed.

(vii) The type of tests performed.

(viii) The test results.

(ix) The patient's history on probable modes of transmission.

(x) The treatment provided.

(xi) The name, address and telephone number of the physician, hospital, or other person or entity that secured a specimen from the individual and submitted it for laboratory testing.

(xii) The name, address and telephone number of the entity in which the diagnosis was made or that received the HIV test result or CD4 T-lymphocyte count.

(3) In addition to reporting the AIDS diagnosis or the receipt of test results, the reporter shall maintain the data required in paragraph (2) in the patient file on the Department's HIV/AIDS report form.

(4) An LMRO receiving reports of diagnoses of AIDS, positive HIV test results, reportable CD4 T-lymphocyte counts, and perinatal exposures to HIV shall forward completed case reports containing the information included in paragraph (2) electronically to the Department's Bureau of Epidemiology through a secure electronic mechanism specified by the Department.

§ 27.32b. Confidential and anonymous testing.

(a) Anonymous testing for HIV, except for blinded HIV testing authorized under section 5(f) of the Confidentiality of HIV-Related Information Act (35 P. S. § 7605(f)), may only be provided at State-designated anonymous testing sites. All other HIV testing shall be conducted confidentially with the name of the tested individual collected, and the name of the individual reported when the result of the test is reportable. A person or entity reporting as required in this section shall offer all HIV and AIDS-related services confidentially and may not provide anonymous testing, or consider any test or its results to be anonymous, unless it is a State-designated anonymous HIV testing site.

(b) Anonymous test results shall be reported in accordance with § 27.32a(b)(2) (relating to reporting AIDS, HIV, CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV. In lieu of the information required in § 27.32a(b)(2)(i), the report of an anonymous test shall include an assigned number preprinted on the HIV counseling and testing report form. The report shall also include the individual's county of residence.

(c) The Department may create and fund an additional anonymous HIV-testing site in a particular area when it finds, based on demographic information reported to it

under this chapter, that there is a lack of access to anonymous HIV testing in that particular area.

(1) The Department may begin the process of designating an anonymous HIV testing site either by contacting a provider or by responding to a request from a provider to increase the number of sites in the geographic area specified by the request.

(2) If a provider is designated as an anonymous HIV-testing site, the provider shall adhere to the CDC's *Guidelines for Counseling, Testing, Referral and Partner Notification* and to the terms set out by the Department in any grant agreement.

§ 27.32c. Counseling, testing, referral and partner notification services.

Counseling, testing, referral and partner notification services shall be performed in accordance with the Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612). A person providing HIV test results to a patient may ask for the Department's assistance with counseling if the person chooses to do so.

§ 27.32d. Department authority to require complete reporting.

The Department will have access to and may review the patient records of physicians, hospitals, persons pro-

viding HIV services and persons in charge of entities providing HIV services, who make diagnoses of AIDS, or who receive or provide HIV and CD4 T-lymphocyte test results. Access and review will enable the Department to conduct case investigations, to determine whether under-reporting is occurring, to investigate reporting delays and to investigate other reporting problems.

§ 27.32e. Record audits.

(a) The Department may conduct record audits of the records of physicians, hospitals, persons providing HIV services and persons in charge of entities providing HIV services who make diagnoses of AIDS or who receive or provide HIV test results for the purpose of obtaining information allowing the Department to complete HIV and CD4 T-lymphocyte case reports to aid it in tracking trends in disease and obtaining additional funding for prevention and treatment programs. The Department may audit records going back to January 1, 2000, for this purpose.

(b) The Department may require special reports of persons or entities required to report under this chapter to ensure compliance with this chapter.

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