

PENNSYLVANIA BULLETIN

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Natural Resources
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No. 334, September 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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THE GENERAL ASSEMBLY

Proposed Amendments to the Constitution of Pennsylvania

THE FOLLOWING ARE TRUE COPIES OF A JOINT RESOLUTION OF THE PENNSYLVANIA GENERAL ASSEMBLY REGARDING AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA THAT WERE PROPOSED IN THE GENERAL ASSEMBLY DURING THE 2002 SESSION. THE PROPOSED AMENDMENTS WERE AGREED TO BY A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES. PURSUANT TO ARTICLE XI, SECTION 1 OF THE CONSTITUTION, THE SECRETARY OF THE COMMONWEALTH HAS CAUSED THE PROPOSED AMENDMENTS TO BE PUBLISHED HERE. WERE ANY OF THESE PROPOSED AMENDMENTS TO BE AGREED TO BY A MAJORITY OF THE SENATORS AND REPRESENTATIVES ELECTED TO THE GENERAL ASSEMBLY AT THE NOVEMBER 5, 2002 GENERAL ELECTION, THE PROPOSED AMENDMENTS SO APPROVED WOULD BE PUBLISHED AGAIN AND THEN SUBMITTED TO THE QUALIFIED ELECTORS OF PENNSYLVANIA FOR APPROVAL. IF APPROVED BY A MAJORITY OF THE ELECTORS VOTING ON IT, AN AMENDMENT WOULD BECOME PART OF THE CONSTITUTION.

IF AN AMENDMENT WERE APPROVED, THE WORDS UNDERLINED WOULD BE ADDED TO THE CONSTITUTION AND THE WORDS IN BRACKETS (E.G., [CONSTITUTION]) WOULD BE DELETED. ANYONE WHO NEEDS HELP READING THIS ADVERTISEMENT OR WHO NEEDS THE TEXT OF THE PROPOSED AMENDMENTS IN AN ALTERNATIVE FORMAT MAY CALL OR WRITE THE PENNSYLVANIA DEPARTMENT OF STATE, BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, ROOM 210 NORTH OFFICE BUILDING, HARRISBURG, PA 17120, (717) 787-5280.

C. MICHAEL WEAVER,
Secretary of the Commonwealth

JOINT RESOLUTION 2002-1

Proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following separate amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 9 of Article I be amended to read:

§ 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to [meet the witnesses face to face] be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to

give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

(2) That section 10(c) of Article V be amended to read:

§ 10. Judicial administration.

* * *

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions. Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television.

* * *

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly.

[Pa.B. Doc. No. 02-1586. Filed for public inspection September 13, 2002, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

[Pa.B. Doc. No. 02-1587. Filed for public inspection September 13, 2002, 9:00 a.m.]

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 4]

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

Order

Per Curiam:

And Now, this 26th day of August, 2002, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having: (1) proposed amendments to Rules of Procedure Nos. 126 and 413; and (2) proposed new Rule of Procedure No. 127, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

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

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

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 126. Continuances.

A request for a continuance shall be made by filing an original motion and one copy with the Clerk, and serving a copy of the motion on the opposing party. **The opposing party shall file its answer to the motion within 10 days of service of the motion.** The motion shall be decided by the Conference Judge, who may grant the motion, but only for exceptional cause shown.

Rule 127. Other Motions.

Other motions not specifically governed by a Rule of this Court shall be served in accordance with Rule 122(E) and (F). The opposing party shall file its answer to the motion within 10 days of service of the motion.

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 413. Answer.

Within 30 days after the [filing] service of a Board Complaint, if no omnibus motion is filed, or within 20 days after the dismissal of all or part of the omnibus motion, the Judicial Officer may file an answer admitting or denying the allegations contained in the Board Complaint. Failure to file an answer shall be deemed a denial of all factual allegations contained in the Board Complaint. Unless otherwise ordered by the Court, no additional pleading will be accepted.

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 25, 2002, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 24, 2002 for Compliance Group 3 due December 31, 2001.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Kevin J. Begley
Bridgewater, NJ

Kathryn W. Belger
Laurel, MD

Charles K. Blackmon
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RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 105, 123, 125, 133, 140, 141, 145, 151, 153, 165, 177 178, 181, 183, 187 AND 281]

TANF Program

The Department of Public Welfare (Department), by this order, adopts the amendments to read as set forth in Annex A. The statutory authority for this rulemaking is sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)) (code); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; section 5543 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33) (42 U.S.C.A. § 653(p)); section 1902(a)(10)(A) and (C) of the Social Security Act (42 U.S.C.A. § 1396a(a)(10)(A) and (C)); the Federal TANF regulations in 45 CFR 260.10—265.10; and the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418.

Notice of proposed rulemaking was published at 31 Pa.B. 5875 (October 20, 2001).

Need for Amendments

The purpose of this final-form rulemaking is to codify regulations based upon landmark Federal and State welfare reform legislation that emphasizes personal responsibility, work and self-sufficiency. Specifically, TANF and the Domestic Relations Code transformed welfare from an unlimited entitlement to a temporary support system. The new regulations reflect the legislative intent to promote self-sufficiency. Changes, including more substantial work requirements and increased financial incentives for working welfare recipients, illustrate this refocus of welfare. Moreover, the Domestic Relations Code contains revised provisions requiring cooperation with the Child Support Enforcement Program (established under Title IV-D of the Social Security Act) as a condition of eligibility for cash assistance, and a new support pass-through program. Implementation of child support cooperation provisions is another key component to assure an income source for needy families seeking to achieve self-sufficiency. This final-form rulemaking provides numerous supports and incentives to assist employable individuals in their quest for financial independence. These supports and incentives include waivers of various program requirements for victims of domestic violence, a 50% earned income disregard, exclusion of educational savings accounts and special allowances, such as child care and transportation expenses, to support training, education and work.

Scope

This final-form rulemaking codifies the basic TANF program. This final-form rulemaking affects applicants and recipients of TANF assistance, General Assistance (GA) and Medical Assistance (MA). Certain provisions regarding employment and training also affect Food Stamp recipients.

Grounded in the legislative directive in the Domestic Relations Code that work is essential to self-sufficiency, this final-form rulemaking incorporates statutory work and work-related requirements and sanctions for willful noncompliance with these requirements. At the same time, the Department recognizes that some individuals have significant obstacles that hinder their ability to work. Depending on the nature and extent of these obstacles, an individual may be exempt or excused from work and work-related requirements for good cause, and receive appropriate supportive services. These requirements and benefits associated with employment and training are embodied in the Department's Road to Economic Self-Sufficiency Through Employment and Training (RESET) program, established by the Domestic Relations Code.

This final-form rulemaking also reflects changes involving good cause waivers of child support cooperation requirements for victims of domestic violence. The Department elected to adopt the Family Violence Option (FVO) (42 U.S.C.A. § 602(a)(7); 45 CFR 260.50—260.59) in 1997, and implemented many FVO provisions in a Notice of Rule Change (NORC) published at 30 Pa.B. 2957 (June 10, 2000). In doing so, the Department demonstrated a commitment to help victims of domestic violence become self-sufficient without compromising their safety.

Further, to ensure that the Department's final-form rulemaking is consistent with its policy and TANF State Plans, this final-form rulemaking includes other changes to existing regulations. For example, the Department amended various provisions to exclude educational assistance as income or a resource. In addition, the Department has incorporated its revised good cause policy for education and training in this final-form rulemaking. These and other changes required applicable amendments to regulations governing TANF-related and GA-related MA.

Finally, this final-form rulemaking incorporates the Federal 60-month time limit for TANF assistance and specifies how that time accrues. This final-form rulemaking also clarifies exceptions to the 60-month limit. The definition of "family" also reflects a clarification regarding application of the time limit policy for certain specified relatives. For assistance that extends beyond the 60-month limit, the Department has proposed a separate rulemaking at 32 Pa.B. 431 (January 26, 2002). The Department refers to those benefits as "Extended TANF." The Department intends to publish final rulemaking for Extended TANF following adoption of this final-form rulemaking. In the interim, TANF individuals who reach the 60-month limit will continue to receive TANF assistance if they are otherwise eligible. In the following comment/response section of this Preamble, the Department's time limit policy is discussed in greater detail.

Affected Individuals, Groups and Organizations

This final-form rulemaking affects applicants and recipients of TANF, GA, Medicaid and Food Stamps.

Accomplishments/Benefits

This final-form rulemaking establishes the framework for the Department's cash assistance program. Section 403(b) of the code requires, consistent with State law, that the Department will establish rules for GA consistent with those for TANF whenever possible. With this in mind, the Department's rulemaking has a dual purpose:

1) to accomplish the legislative goals of promoting self-sufficiency through work; and 2) providing support to needy individuals to meet that goal.

By offering a comprehensive array of employment and training programs and services, the Department helps recipients prepare for, secure, retain and advance in employment. Assessments and case management, referral, specialized services and special allowances are additional benefits the Department and its employment and training contractors provide. Specialized services include those for individuals exempt from work and work-related requirements. Revised support provisions enable victims of domestic violence to receive counseling services, safety planning and waivers of cooperation requirements without jeopardizing their eligibility for cash assistance. Further, individuals engaged in education and training may be temporarily excused from work and work-related requirements to continue education or training. Individuals without appropriate care for their children or incapacitated adults in their care may also be excused from these requirements until that care is available within a reasonable distance round-trip from home.

In this final-form rulemaking, the Department also provides additional financial incentives to recipients seeking employment and economic independence. For example, income and resource regulations are simplified and more generous than existing rules. Elimination of the gross income test and the disregard of 50% of earned income provide incentives for applicants and recipients. The earned income disregard is an especially strong incentive for individuals to work because only half of a TANF recipient's earned income is counted in determining the cash assistance grant. One motor vehicle per family and educational accounts are also excluded. These financial incentives facilitate the transition to self-sufficiency and economic independence.

Paperwork Requirements

The Department developed the following new forms to support revisions to its regulations:

Form PA 1661, Agreement of Mutual Responsibility (AMR), is a written, individualized agreement between the Department and the recipient. As section 405.3 of the code (62 P. S. § 405.3) provides, the AMR sets forth the responsibilities and obligations of the recipient to achieve self-sufficiency, the time frames within which the obligations are to be completed, the penalties for failure to comply and the Department's actions to support the recipient's efforts. The AMR is based on an assessment of the individual's skills and abilities. For each individual required to sign the application for benefits, the AMR is completed at application and redetermination. In addition, the AMR is updated at other times as needed.

Form PA 1680, Participant Guide to Success, is completed as an important component of an individual's initial assessment to determine work history, job skills and ability to work. The PA 1680 guides caseworkers and recipients through the initial job search.

Form PA 1712, End of Sanction Letter, is sent to remind individuals under a 30-day or 60-day RESET sanction of the earliest date the sanction could end, and explains how the individual can end the sanction.

Form PA/CS 1747, Verification of Good Cause Based on Domestic Violence, documents a good cause claim of domestic violence. The form must be completed when one of the following circumstances exists: 1) the individual provides acceptable verification of the claim of domestic violence; 2) a third party provides verification of the claim

of domestic violence; or 3) the individual affirms in writing an inability to safely obtain evidence to verify the claim of domestic violence within the established time frames. Approval or denial of the good cause claim is noted on the PA/CS 1747.

Summary of Public Comments and Changes

Written comments, suggestions and objections were solicited within a 30-day comment period after the publication date of the proposed rulemaking. The Department received 18 public comments. Commentators included: citizens, advocates, the Minority Chairperson of the Senate Public Health and Welfare Committee, the Minority Chairperson of the House Health and Human Services Committee and the Independent Regulatory Review Commission (IRRC).

The Department has carefully reviewed and considered each comment and thanks the individuals and organizations who commented on the proposed rulemaking. The following is a summary of the comments received during the public comment period and the Department's responses.

§ 141.41(f) (redesignated as § 141.41(d) and Chapter 281). Time Limit Policy. Federal Exceptions.

Comment: Commentators expressed concern that the proposed rulemaking does not include exceptions to the Federal 60-month time limit for TANF assistance. They identified four notable exceptions to the 60-month limit: 1) TANF assistance beyond 60 months for up to 20% of the caseload based on hardship; 2) State-funded "off-the-clock" assistance; 3) Federally-funded nonassistance; and 4) assistance for victims of domestic violence. While they acknowledged the Department's off-the-clock (Time-Out) and nonassistance initiatives, the election of the Federal Domestic Violence Option and plan to provide TANF assistance beyond the 60-month limit (Extended TANF), commentators asked the Department to incorporate these policies (including the Department's Maximizing Participation Project (MPP)) into this final-form rulemaking. Some commentators argued that the Department's current policies for Federal time limit exceptions conflict with proposed § 141.41(f) (relating to policy). They questioned how the Department plans to reconcile this apparent conflict. They offered two alternative suggestions: 1) that the Department remove the time limit from this final-form rulemaking and implement all time limit rules and exceptions in a comprehensive rulemaking; or 2) that the Department, at a minimum, add a general reference to time limit exceptions. Commentators also suggested that the Department revise the regulations to provide for an orderly transition from TANF to GA.

One commentator pointed out that Federal law permits states to provide up to 4 months of cash benefits in certain limited circumstances that do not count as "assistance." Because these benefits do not constitute "assistance," they are not subject to the 60-month time limit.

Response: The Department has revised proposed § 141.41(f) (redesignated as § 141.41(d)) by adding paragraph (5) that specifies that the time limit policy does not preclude the Department from providing TANF assistance that does not count towards the 60-month limit (Time-Out) or extends beyond the 60-month limit (Extended TANF). Accordingly, there is no conflict between the regulations establishing the 60-month time limit for TANF and the benefits that are not counted towards or extends beyond the 60-month limit. In addition, the Department offers certain nonassistance benefits. Time-

Out and nonassistance are discussed below. Proposed rulemaking for the Extended TANF program was published at 32 Pa.B. 431.

The Department implemented Time-Out as a new initiative with a public notice, announcing its intent to amend the TANF State Plan, at 31 Pa.B. 1639 (March 24, 2001). Time-Out is a fiscally segregated State-funded program permitted by Federal law. Assistance benefits funded solely through segregated State funds are subject to many TANF requirements such as work and child support, but are exempt from certain other requirements such as the 5-year time limit. See 42 U.S.C.A. § 609(a)(7)(B)(i).

To the extent that funding is available, and consistent with State and Federal law, families otherwise eligible for TANF benefits under Chapter 141 (relating to general eligibility provisions) may receive benefits under Time-Out. In general, the purpose of Time-Out benefits is to provide incentives to families meeting or exceeding minimum work participation requirements, or participating early in work and other employment-related activities or certain exempt volunteers. This program also provides assistance to victims of domestic violence. To encourage family members to care for minor children who are not residing with their parents, certain kinship caregivers may also benefit from the Time-Out program.

In accordance with the commentators' request that the Department clarify that Time-Out benefits "stop the clock" for purposes of applying the 5-year TANF time limit, the Department is incorporating the rules governing Time-Out into this final-form rulemaking. Chapter 281 (relating to time-out benefits) reflects current policy and procedures regarding the Time-Out program as it has evolved during the past year since announcement of the initiative. Chapter 281 includes a definition for "MPP" and provides that an exempt individual who volunteers to participate in and comply with MPP may be eligible to receive Time-Out benefits. However, the Department invites interested persons to submit written comments regarding the program for consideration for future amendments. These comments should be submitted to the Department of Public Welfare, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081, within 30 days of the date of publication of this final-form rulemaking. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Finally, the Department has assigned a sunset date of July 1, 2004, to the Time-Out program. The Department finds that Congressional policy regarding reauthorization of the TANF program and availability of future State funding for this program are uncertain. Consequently, it is prudent to proceed cautiously in making this benefit available for a limited time period until a clear picture emerges regarding its continued viability.

As noted previously, the Department has proposed rules for the Extended TANF program for families that have a hardship or include someone who has been a victim of domestic violence. As to the commentator's question concerning the receipt of GA following TANF, the Department's proposal for GA eligibility following the exhaustion of TANF is included in the proposed rulemaking for Extended TANF. See 32 Pa.B. 431. Given the discrete nature of the Extended TANF rulemaking, the Department has not combined it with this final-form rulemaking. The Department has decided to implement this

basic TANF rulemaking first. It is the essential framework upon which the Department will build.

Nor has the Department included in this rulemaking the initiatives and projects known as nonassistance. Those initiatives, announced by public notice of intent to amend the TANF State Plan, published at 30 Pa.B. 2954 (June 24, 2000), include work supports and other services to low-income families. The Department's nonassistance benefits do not include cash benefits permitted by Federal law under limited circumstances for a maximum of 4 months. Instead, individuals who have exhausted 60 months of TANF may be eligible to receive cash assistance beyond the 60-month limit under the Extended TANF program. There is no time limit for receipt of Extended TANF.

Nonassistance benefits are pilot projects implemented by the Department directly, through contractors or by grants to other State agencies. The nature and extent of those benefits may vary in the future with changes in the needs of the recipients, availability of work supports, service projects and funding. The flexibility gained through funding specific projects enables the Department to respond more quickly to changes in need and take advantage of newly developed initiatives to meet those needs, including initiatives developed by entities other than the Department. Nonassistance is not subject to the 60-month time limit. The 60-month time limit applies only to TANF "assistance." Because this rule does not apply to nonassistance, an exception for nonassistance is unnecessary.

In addition, the Department added paragraph (7) to § 141.41(d) to clarify that § 141.41(d) will not be interpreted as requiring the Department to provide or continue to provide TANF assistance that does not count towards or extends beyond the 60-month limit.

Cash Assistance Handbook policy regarding "TANF assistance received."

Comment: Commentators suggested that the Department revise § 141.41 to include the policy outlined in section 105.251 of the *Cash Assistance Handbook*. This policy illustrates what is not considered TANF assistance received for the purpose of calculating the 60-month time limit. As the commentators noted, examples include: 1) when a recipient or budget group is under a durational sanction (and, consequently, does not receive cash assistance); 2) when TANF assistance is issued, but not received; and 3) when a recipient has fully reimbursed the Department for TANF assistance received.

Response: The Department concurs and has revised § 141.41 accordingly.

§ 141.42. Definition of "family."

Comment: Commentators suggested that the definition of "family" in § 141.42 (relating to definitions) may lead to an excessive number of children being disqualified after 60 months of TANF. They claimed that the definition would disadvantage kinship caregivers and cause the children in their care to be ineligible for TANF. In addition, they submitted that this result would be contrary to the Department's policy of allowing certain specified relatives to receive TANF only for the children in their care. They requested that the Department revise the definition of "family" to exclude nonparental caregivers, as well as other non-TANF participating adults.

Response: The Department concurs with the comment and has clarified the definition of "family" by striking the second sentence of proposed § 141.42's definition of "fam-

ily." Additionally, § 141.41(d)(2) has been amended to provide that, for purposes of calculating the 60-month time limit, a family does not include a specified relative who is not included in the TANF mandatory filing unit as specified in § 171.21 (relating to policy) and is seeking assistance only for the minor child. Section 141.42 is also revised to include a cross reference to § 141.41(d)(2).

§ 151.43(d)(1). Temporary absence of a minor child.

Comment: One commentator commended the Department for permitting a family to continue to receive assistance for a minor child who is temporarily absent from the home, but expected to return within 180 days. However, this commentator disagreed with the Department's decision to "create a new period of ineligibility" for a specified relative who fails to report a minor child's absence within 5 days of the time it becomes "clear" that the absence will extend beyond 180 days. The commentator claimed that the 30-day disqualification period in the regulation has no basis in Federal or State law and should be deleted. Further, the commentator stated that even if the disqualification period were authorized, disqualification should occur only when it is clear to the parent or relative that the child's absence will extend beyond 180 days and that fact is not reported. Another commentator asked the Department to identify the statutory basis for the 30-day disqualification period. The commentator also asked when it would become "clear" that a child's absence would extend beyond 180 days.

Response: The Department agrees that the specified relative's duty to report the child's absence should arise only after it is clear that the child's absence will extend beyond 180 days. The Department has amended § 151.43(d)(1) (relating to requirements) accordingly. However, the Department does not agree with the commentator that it lacks statutory authority to impose a 30-day period of ineligibility on specified relatives who fail to meet the reporting requirement. Nothing in the Federal law governing the temporary absence provisions prohibits a state from establishing a minimum period of ineligibility for failure to report. See 42 U.S.C.A. § 608(a)(10). Under State law, the Department is given broad authority to establish rules, regulations and standards as to eligibility for assistance and as to its nature and extent. See sections 403(b) and 432 of the code (62 P. S. §§ 403(b) and 432). Under this State law authority, the Department has determined that a 30-day period of ineligibility for failure to report the child's absence when it is clear to the specified relative that the absence will continue beyond 180 days, is both fair and reasonable as a tool to ensure compliance with the regulation. Finally, in response to the commentator's question concerning when it would become clear that the child's absence will extend beyond the 180 days, each case will depend upon its own unique factual circumstances. Caseworkers will be instructed to consider the statements of the specified relative, circumstances surrounding the child's absence, and any supporting or conflicting evidence.

RESET participation requirements §§ 125.1(f)(2)(vi) (re-designated as § 25.1(i)(6) and (8)), 133.23(a)(1)(vi)(B) (VI) (deleted on final-form), 141.41(e) (deleted on final-form), 141.61(a)(1)(xv) (deleted on final-form), 165.1(a), 165.2, 165.31(a)(2) and (b) (re-designated as § 165.31(a)(1)), 165.61(a)(4) and (6). Maximize employment.

Comment: Commentators requested that the Department delete the phrase "maximize employment" from the regulations. They questioned the Department's authority to require individuals to "maximize employment" as a condition of eligibility for cash assistance. Specifically,

they suggested that statutory requirements do not include the requirement to maximize employment. One commentator also questioned the wisdom of requiring individuals to maximize employment, suggesting that this mandate would be too burdensome to those who may have difficulty working full time (for example, parents with disabled or troubled children).

Response: The Department has deleted the phrase "maximize employment." However, this deletion does not imply that the Department concurs with the commentators' position that this requirement lacks a statutory basis, would be too burdensome to some parents and does not belong in the regulation. Although the Department deleted the phrase "maximize employment," it is replaced with language that parallels section 432.3(a)(iii) of the code (62 P. S. § 432.3(a)(iii)), the statutory basis of this deleted phrase. Accordingly, the Department has revised each of the regulations that contained the phrase to follow section 432.3(a)(iii) of the code, with the exception of § 165.2 (relating to definitions) (from which "maximize employment" is deleted as a definition). Specifically, the Department revised §§ 125.1(i)(8), 165.31(a)(2) and 165.61(a)(4) (relating to policy; RESET participation requirements; and sanctions).

This revision does not reflect a new interpretation of what the statute requires an individual to do regarding employment. With or without this revision, the individual must accept, work in and keep as many hours of employment as the individual is reasonably able to maintain. This means that an individual must maximize hours of employment, above minimum requirements, if the hours are available and the individual is reasonably able to work those hours. For example, if the individual has the opportunity to increase the individual's work hours from 20 to 30 per week, the individual must accept the additional hours, unless the individual cannot reasonably do so (such as, the 30 hours are available only during the night shift, and the individual is a single parent with no appropriate child care during that time; or, the 20-hour per week job pays the individual more than the other would). Because an individual must accept the additional hours only if the individual can reasonably do so, this requirement should not be too burdensome to those who may have difficulty working full-time. This requirement is consistent with the goal of TANF and the Domestic Relations Code that a recipient transition from dependency through increased employment to self-sufficiency as soon as practicable.

§§ 123.22, 141.41(e) (deleted on final-form), 165.1(a) and (b) and 165.2. Assessments and consultations.

Comment: Commentators suggested that § 141.41(e) of the proposed rulemaking should be revised to include a requirement that the Department assess the needs of applicants and recipients and develop plans in consultation with them for addressing additional measures needed to make the individual employable. They pointed to section 405.1 of the code (62 P. S. § 405.1) and 45 CFR 261.11 (relating to which recipients must have an assessment under TANF) as authority for this requirement. In addition, commentators stated that these assessments should be designed to direct individuals to programs which the client may not be aware of, which could enhance the individual's opportunity for work, such as an English-as-a-second-language course. Commentators suggested that undertaking such an assessment could avoid imposition of sanctions for violations under § 165.61.

Also, commentators questioned when the Department undertakes assessments required by Federal and State law.

Response: The Department agrees that the previous provisions of State and Federal law require that an assessment of the individual must occur. In response to the commentators' concerns, the Department has amended § 165.1(a) (relating to general) to provide that each recipient's ability to meet RESET participation requirements will be assessed after consultation with the recipient. In addition, § 165.1(b) addresses additional measures needed to help the individual become employable. Section 165.1(b) states that the Department will provide RESET participants, to the extent necessary, with case management and approved supportive services. That subsection also provides that participants will be provided with or referred to education, training and employment-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sector that may assist participants to prepare for and obtain employment in jobs they may realistically be expected to obtain.

Next, the Department has also added a new definition of "AMR" in § 123.22 (relating to definitions), which specifies that an AMR is an individualized agreement with the Department, based on an assessment of the individual's skills and abilities, which sets forth the responsibilities and obligations to be undertaken by the individual to achieve self-sufficiency, the time frames within which each obligation is to be completed and the penalties for failure to comply. Further, the AMR describes services to be provided by the Department. Finally, the Department has revised § 165.2 (relating to definitions) to conform to the new definition of AMR specified in § 123.22.

With regard to the concern that assessments may avoid imposition of sanctions, the Department submits that the compliance review process in § 165.51 (relating to compliance review) includes a review of facts presented by the individual and those known to the Department. As set forth in § 165.51(c), no sanction will be imposed if the apparent noncompliance was not willful or the individual has good cause.

As to the commentator's question concerning when the assessment occurs, the Department submits that the assessment process is an ongoing one. There are a number of instances where the assessment occurs. First, in compliance with Federal regulations at 45 CFR 261.11, the Department conducts an initial assessment. That assessment uses the *Form PA 1680, Participant Guide to Success*, as a component of an individual's initial assessment, to determine work history, job skills and ability to work. This evaluation tool guides caseworkers and recipients through the initial job search. In addition, an individual participating in a contractor-operated employment and training program is offered a variety of assessments to determine skills, math and reading levels and employment preferences. After an assessment, the AMR will be updated as necessary.

§§ 141.41(e) (deleted on final-form), 141.61(a)(1)(xv) (deleted on final-form), 165.1, 165.31(a)(2), 165.31(b)(2), 165.61(a)(3) and (4). Requirement that individuals participate in work and work-related activities "including those specified on the AMR."

Comment: Commentators questioned the Department's authority to require individuals to participate in work or

work-related activities beyond those specified on the AMR. One commentator suggested that section 405.1(a.2)(4) of the code states that all work-related activity shall be incorporated into the AMR.

Response: Individuals are required to comply with applicable statutory and regulatory requirements concerning work and work-related activities, even if they are not specified on the individual's AMR. The AMR does not recite each eligibility requirement in the code. As §§ 123.22 and 165.2 specify, the AMR is an individualized agreement which specifies the activities in which the individual has agreed to participate, as well as the supportive services the Department will provide. The fact that the individual has agreed on an AMR to do certain activities does not obviate his responsibility to comply with applicable statutory requirements, including those which, such as, require an individual to seek, accept and maintain employment. Thus, for example, an individual's AMR might provide for him to meet the work-related activity requirement through an unpaid activity such as community service. Subsequent to the completion of the AMR, if the county assistance office (CAO) refers the individual to subsidized employment or work experience, the individual is required to seek and accept the referral to that paid employment. This is consistent with sections 405.1(a.2)(1) and 432.3(a)(ii) and (iii) of the code. While section 405.1(a.2)(4) of the code provides that the AMR shall include the type of work-related activities that will be used to meet the individual's ongoing work-related activity requirement, nothing in that or any other section of the code provides that the AMR mitigates the statutory obligation to seek and accept employment.

§§ 125.1(i)(7), 141.41(e) (deleted on final-form), 141.61(a)(1)(xv) (deleted on final-form), 165.1(a), 165.31(b)(2), 165.31(c)(2), 165.61(a)(3) and (4). Requiring more than 20 hours of participation.

Comment: Commentators questioned whether individuals working at least 20-hours-per week must also participate in a work-related activity. At least one commentator suggested that the Department specify that these individuals are not required to participate in a work-related activity.

Response: Not all individuals working 20 hours-per-week will be required to participate in a work-related activity, but working at least 20 hours per week does not excuse an individual from participating in additional activities agreed to on the individual's AMR. The AMR is individualized to support the goal of moving the individual to self-sufficiency. For any individual, this may or may not include a work-related activity in addition to 20 hours per week of work. Many of the Department's employment and training programs consist of at least 20 hours per week of work plus 10 hours of work-related activity, for example, job training. When an individual agrees on an AMR to participate in a specific work-related activity, including a contracted program, that individual is required to continue the activity as set forth on the AMR, unless and until the AMR is revised. Of course, if the individual is exempt from RESET or demonstrates good cause for not complying with a work or work-related requirement stated on the AMR, that individual is not sanctioned.

§§ 165.2, 165.21(c)(2), 165.25(2) and 165.52(a)(3). Appropriate child care and reasonable distance.

Comment: Commentators requested that the Department revise §§ 165.21(c)(2) and 165.25(2) (relating to exemptions for RESET participation requirements; and

RESET participation requirements following an exemption) to allow an individual to be exempt from RESET participation requirements if appropriate child care is not available within a reasonable distance from the individual's home or work site. They claimed that the proposed regulation is inconsistent with 42 U.S.C.A. § 607(e)(2)(A), which prohibits a state from sanctioning an individual if appropriate child care within a reasonable distance from the individual's home or work site is unavailable. They also noted that 45 CFR 261.56(b)(2)(ii) (relating to what happens if a parent cannot obtain needed child care) requires that the Department define the terms "appropriate" and "reasonable distance."

Response: The Department agrees that an individual is not subject to sanction for failure to meet a work (or work-related activity) requirement where appropriate child care is not available within a reasonable distance from the individual's home or work site. The Department has amended § 165.52(a)(3) (relating to good cause) to specify that individuals may establish good cause in this situation. The Department disagrees with the suggestion that §§ 165.21(c)(2) and 165.25(2) should be revised. The provisions of 42 U.S.C.A. § 607(e)(2)(A) do not state that an individual unable to find appropriate child care within a reasonable distance from work or home is exempt from work requirements. It simply provides that an individual may not be sanctioned under these circumstances. Under revised § 165.52(c)(3), an individual may establish good cause for not participating in a specific activity or accepting a specific job when appropriate child care is not available within a reasonable distance from the individual's home, as defined in § 165.2. However, the individual is not exempt from work and work-related requirements. In addition, the Department has added definitions of "appropriate child care" and "reasonable distance" to § 165.2. These definitions are consistent with the definitions of "appropriate" and "reasonable distance" in the Pennsylvania State Plan for Child Care and Development Fund Services (10/1/01—9/30/03), Part 4.4.

§ 165.22. Exemptions.

Comment: One commentator questioned why the Department deleted the provision that excused an individual from the verification requirement when it is "clear" that the individual is exempt. For example, the commentator questioned why a "clearly mentally ill" individual must verify his condition.

Response: The Department deleted this provision because section 405.1(a.3)(1) of the code requires verification by a physician or psychologist for exemptions based on physical or mental disability.

§§ 165.22(c) and 165.25. Notification and preparation time after an exemption ends.

Comment: Commentators suggested that the Department revise § 165.25 by reorganizing it and stating that a person whose exemption is ending will be notified in writing of that fact and given an adequate opportunity to locate and prepare for a work or work-related activity.

Response: The Department has revised § 165.22(c) (relating to verification of exemption) in lieu of § 165.25 by adding the following language: "The CAO will notify the exempt individual in writing when the period of exemption is due to end. The individual will be given an opportunity to provide new or additional verification to continue the exemption . . . The individual will be given the opportunity to prepare to comply with RESET participation requirements under § 165.31 (relating to RESET participation requirements)."

§ 165.31. Special allowances.

Comment: One commentator commended the Department for the practice of supporting education and training by offering special allowances when a person engages in education and training, even if it is not a mandated work activity. However, commentators suggested that § 165.31 does not clearly state whether special allowances for supportive services are available for all RESET participants, including exempt individuals who volunteer to participate in education and training programs and those who pursue education in addition to other work activities. They suggested that the Department revise § 165.31 to reflect the Department's current practice to approve special allowances for those individuals. Also, commentators questioned whether the AMR will include a description of the individual's special allowances.

Response: To clarify who is eligible for special allowances for supportive services, the Department has amended § 165.41 (relating to eligibility for special allowances and supportive services) instead of § 165.31. Section 165.41(a) provides that a cash assistance or Food Stamp recipient may receive certain special allowances. Section 165.41(b) provides that for cash assistance recipients, eligibility for special allowances for supportive services depends on the following: 1) eligibility for cash assistance; 2) participation in RESET, unless exempt; and 3) having an approved AMR. Subsection (b) also provides that an individual seeking only Food Stamps must comply with an approved the Employment Development Plan (EDP) to qualify for a special allowance for supportive services. Subsection (c) has been clarified to provide that supportive services do not include transportation to secondary education (or an equivalent level of vocational or technical training), except for a pregnant female or custodial parent, whose circumstances require additional supports. Finally, subsection (d) clarifies that the CAO will inform the individual, in writing and orally, of the availability of special allowances at application, reapplication and whenever the AMR or EDP is developed or revised. With these revisions, § 165.41 clarifies that individuals who participate in employment and training activities, whether voluntary or mandatory, are eligible to receive special allowances for supportive services if they have an approved AMR reflecting these activities.

As to the question concerning whether the AMR will include a description of the individual's special allowances, the answer is yes. Section 405.3(a) of code provides that the AMR will include a description of the actions that the Department will take to support the individual's efforts, which includes enumeration of special allowances that will be provided to the individual. Also, in §§ 123.22 and 165.2, the definition of "AMR" specifies that the AMR "describes the services to be provided by the Department."

§ 165.31(c)(1) (redesignated as § 165.31(b)(3)). Length of the initial job search.

Comment: Commentators asked the Department to revise the regulations by limiting the initial job search to 8 weeks for those who are not working at least 20 hours per week.

Response: The Department agrees that the initial job search is generally limited to 8 weeks, as § 165.31(b)(3) clearly specifies. However, the Department has not revised the regulations as requested. For the initial job search, an individual may choose to participate in a contractor-directed job search, which combines job search and classroom instruction in the necessary skills and preparation required to conduct a successful job search.

Following an initial 8 weeks of classroom instruction, the individual participates in 90 or 120 days of contractor-assisted job search and literacy remediation, if needed. In this case, the individual's AMR would reflect this more intensive and expansive job search.

§ 165.31(c)(2) (redesignated as § 165.31(b)(4)). List of work-related activities.

Comment: One commentator suggested that the Department revise § 165.31(c)(2) (redesignated as § 165.31(b)(4) in final-form rulemaking) to include the limitations in section 402 of the code (62 P. S. § 402) for work-related activities such as general education. For example, the commentator recommended that the Department revise this provision to include the statutory condition that an 18-22 year old must maintain satisfactory progress for general education to count as a work-related activity. The commentator also suggested that, for clarity, proposed paragraphs (2)—(4) (redesignated as paragraphs (4)—(6) on final-form rulemaking) should be consolidated into one paragraph.

Response: The Department agrees with the commentator's suggestion that the list of work-related activities in § 165.31 should include the limitations in section 402 of the code, and has revised the regulations accordingly. The Department also revised § 165.61 (regarding sanctions) to be consistent with the provisions of revised § 165.31. Finally, the Department did not consolidate proposed § 165.31(c)(2)—(4). In a subsequent discussion with the Department regarding this suggestion, the commentator agreed that consolidating these paragraphs would not improve clarity, and could have the opposite effect.

§ 165.31(c), (c)(2), (c)(3), (d)(1) (e) (redesignated as § 165.31(b), (b)(4), (b)(5), (c)(1) and (d)) (e) (redesignated as (d)) and (f)(4) (deleted on final-form). "Approved" and prescribed work and work-related activities.

Comment: Commentators questioned the use of the word "approved" in the foregoing provisions. They stated that the Domestic Relations Code does not use the word "approved." They questioned what authority the Department has to approve or prescribe work or work-related activities on the AMR. They also suggested that if "approved" refers to activities on the AMR, language should be added to the regulation to clearly state the activity must be in the individual's AMR. If not, they questioned what review process the Department envisions for these work activities and how a requirement that these activities be approved is consistent with the statute.

Response: The Department has authority under section 405 of the code (62 P. S. § 405) and sections 405.1(a.2)(4), 405.3(a) and 432.3(a)(ii) and (iii) of the code to prescribe appropriate work and work-related activities and additional measures that may be necessary for an individual to seek, accept and maintain employment, and may establish rules and standards for accomplishing these goals. For example, in accordance with section 432.3(a)(ii) and (iii) of the code, the Department is explicitly authorized to refer an individual to a work or work-related activity, and to prescribe the time and manner in which to apply for work. The Department also approves activities that an individual selects or initiates, to the extent that the activities are consistent with RESET requirements.

Approved activities are set forth in the AMR. The Department has revised § 125.1 by adding subsection (j) to specify that. Although the Department has left the words "approved" and "approval" intact in most of the regulations cited in the comment, it has deleted the word

"approved" in §§ 165.1(a) and 165.31(b)(2), where the use of the word "approved" was redundant. Because the AMR must be approved by the Department, it was redundant to refer to activities as being "approved" on the AMR.

§ 165.31(c)(3), (c)(4), (d), (d)(2), (f) (redesignated as § 165.31(b)(5), (b)(6), (c), (c)(2) and (e)), (f)(4) and (f)(5) (deleted on final-form). Education and training.

Comment: Commentators suggested that the Department incorporate the Department's current good cause policy regarding education and training in the regulations.

Response: The Department agrees with the commentators and has incorporated its good cause policy regarding education and training in the regulations. In addition, the Department has revised this policy to include individuals who have received less than 24 months of cash assistance. Rather than revising the sections suggested by the commentators, however, the Department has revised §§ 165.52 (regarding good cause), 165.31(b)(5) (regarding RESET participation requirements during the first 24 months of assistance) and 165.31(c)(2) (regarding requirements that apply after the first 24 months), the relevant provisions for this change.

Comment: Commentators requested that the Department clarify that an individual may continue to participate in education and training if he combines it with another work-related activity. They also suggested that the Department allow education and training to count as a work-related activity beyond 12 months in certain circumstances, for example, for disabled individuals or those with limited English proficiency (LEP).

Response: The Department has revised § 165.31(b)(5) and (c)(2) to clarify that an individual may continue education or training beyond 12 months, but not as a work-related activity. Under section 405.1(a.2)(5) of the code, education or training may count as a work-related activity for a maximum of 12 months. After 12 months of education or training, an individual may continue to pursue education and training, but shall also fulfill applicable RESET participation requirements, unless the individual establishes good cause under § 165.52.

Likewise, an individual who is disabled or has LEP may continue his education or training after 12 months, but it does not count as a work-related activity. However, a disabled individual may be exempt from or have good cause for not complying with RESET requirements, depending on the nature and extent of the disability. Similarly, an individual with LEP may establish good cause for not complying with RESET requirements, if the individual needs more time to overcome this barrier to self-sufficiency (for example, by completing an English-as-a-Second Language course).

Comment: Commentators suggested that the Department revise § 165.31(f) (redesignated as § 165.31(e) in this final-form rulemaking). They questioned the need for paragraphs (1)—(3), and suggested that paragraphs (4) and (5) be renumbered or deleted as unnecessary because they relate to requirements in other subsections.

Response: The Department agrees in part and has deleted paragraphs (1) and (3)—(5). However, the text of paragraph (2) will remain intact. This paragraph specifies that, for self-initiated training to count as a work-related activity, an individual must be making satisfactory progress, as defined by the institution. This condition is based on section 402 of the code, which applies the requirement specifically to general education for individuals 18-22 years of age. Although paragraph (2) is not

limited to general education, the Department has elected to leave this condition intact. Consistent with sections 405, 405.1, 405.3 and 432.3 of the code, the Department is clearly authorized to require individuals to pursue activities that promote self-sufficiency. Unsatisfactory performance in an educational or training program hinders this goal.

Paragraphs (4) and (5), which clarify that an individual may continue to pursue education after the period during which education can count as a work-related activity, were relocated. Paragraph (4), applicable in the first 24 months an individual receives assistance, was relocated to § 165.31(b)(5). Paragraph (5), applicable after 24 months, was relocated to § 165.31(c)(2).

Finally, because paragraph (3) is deleted from this subsection, the Department has revised § 165.41(c), although this revision was not proposed. This revision is consistent with the Department's policy that individuals pursuing secondary education or an equivalent level of vocational or technical training are ineligible for supportive services, except for pregnant females and custodial parents.

§§ 141.41(e) (deleted in final-form), 165.31(d) (redesignated as § 165.31(c)) and 165.51. Review of eligibility versus condition of eligibility.

Comment: Commentators suggested that section 405.1(a.2)(6) of the code requires that after 24 months of cash assistance, individuals not participating in one or more work activities for at least 20 hours per week are subject only to a review of eligibility. They advised that the minimum 20-hour work requirement should not be stated as a condition of eligibility.

Response: The Department agrees that after 24 months of cash assistance, section 405.1(a.2)(6) of the code requires a review of eligibility for noncompliance with the minimum 20-hour weekly work requirement. However, the Department does not agree that a review of eligibility is all that is required as suggested by the commentators. Section 165.31 is entirely consistent with section 405.1(a.2)(6) of the code, which provides that an individual who has received assistance for 24 months must participate for an average of at least 20 hours per week in one or more of the activities enumerated in that paragraph. Accordingly, the Department has not revised § 165.31 as requested. Although the minimum 20-hour per week work requirement is stated as a condition of eligibility, only those who willfully fail, without good cause, to comply with this condition of eligibility are subject to sanction.

§ 165.31(d)(1) (redesignated as § 165.31(c)(1)). Work study.

Comment: One commentator suggested that the Department add work study to the list of activities in § 165.31(d)(1) (redesignated as § 165.31(c)(1) in this final-form rulemaking). The commentator explained that this revision would codify the Department's current policy regarding work study.

Response: Because work study is an example of subsidized employment, which is already listed in § 165.31(c)(1) (as redesignated), the Department does not think it is necessary to revise § 165.31(c) as suggested.

§§ 165.31(d)(1) (redesignated as § 165.31(c)(1)) and 165.61(a)(10)(i) (redesignated as § 165.61(a)(9)(i)). Unsubsidized employment.

Comment: One commentator asked, "What is unsubsidized employment?"

Response: Unsubsidized employment is paid work for which no public or private entity subsidizes the wages.

§ 165.31(d)(2) (redesignated as § 165.31(c)(2)). Requirements that apply after 24 months.

Comment: One commentator suggested this paragraph should reference the sanctions and compliance review process.

Response: The Department agrees with the substance of the comment. Instead of locating the reference in subsection (c), it has been placed in subsection (a). Subsection (a) applies all the time, not just after 24 months.

§ 165.51. Compliance review.

Comment: Commentators questioned the change in § 165.51 from conciliation to compliance review, suggesting that the former conciliation process affords greater protection against sanctions than the compliance review process. They also claimed that the change does not reflect existing policy for conciliation and the changes proposed by the Department are not mandated by statute. One commentator also suggested that § 165.51 is inconsistent with the Department's "Community Connections" program.

Further, commentators suggested that the regulations should clearly state that caseworkers will provide sufficient notice of the review and schedule it at a mutually agreeable time, in person or by phone, and document the session. One commentator questioned what would happen if the individual has a conflict with the time chosen for the compliance review. The commentator also questioned how much notice must be given to the individual in advance of the compliance review. Finally, commentators recommended that the Department add cross references to Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) and § 165.52.

Response: The compliance review process replaces the existing conciliation process. The Department has substantially revised § 165.51. In doing so, the Department has adopted many of the commentators' suggestions and has responded to their questions. For example, § 165.51 now includes the commentators' requested cross references to § 165.52 and § 275.1 (relating to policy) and specifies that the caseworker will inform the individual of the need for a compliance review. Although the regulation does not specify a time frame for providing advance notice, this concern is addressed. Revised § 165.51 provides that in scheduling the compliance review, the caseworker will reasonably take into account the individual's work schedule, family and school obligations. In addition, the review may be conducted by telephone or in person, according to the individual's preference. The regulation now specifies that the caseworker will review the facts, including those presented by the individual and those facts already known to the Department and document the results of the review.

Moreover, revised § 165.51 contains a special provision for individuals with disabilities. This provision states that the caseworker will consider an individual's disability during the compliance review period. This provision also states that if the individual did not comply with RESET participation requirements due to disability, no sanction is imposed.

As revised, § 165.51 underscores that the goal of RESET is to assist the individual in becoming employable and self-sufficient. Section 165.51 now illustrates that at each stage of the compliance review, the individual is an important participant. The compliance review is a multi-

step process that provides an opportunity for the individual and caseworker to engage in a dialogue, together seeking to determine whether and why the recipient did not meet RESET participation requirements, and to address any obstacles to compliance.

Section 165.51 is also consistent with the Department's "Community Connections" outreach program. The purpose of Community Connections is simply to remind individuals of program opportunities and requirements. Community Connections does not obviate the compliance review process; it supplements it. While the components of the compliance review process are not specifically mandated by statute, the compliance review process is necessary to effectuate compliance with RESET provisions.

§ 165.52. Good cause.

Comment: One commentator requested that the Department revise § 165.52 to include as good cause for not meeting RESET participation requirements certain characteristics that were exemptions under the AFDC program. The commentator specifically referred to former exemptions for individuals 60 years of age or older, caretakers for an incapacitated child or adult in the household, individuals in treatment for a drug or alcohol addiction and pregnant women.

Response: The Department has decided not to change § 165.52 as requested. The characteristics cited by the commentator do not form the basis for exemptions from RESET under section 405.1(a.3) of the code, but can be bases for good cause for not participating in a RESET activity. Good cause is determined by individual circumstances and their relationship to a specific RESET activity. In light of that, § 165.52 appropriately does not enumerate every circumstance, status or event that may constitute good cause. The characteristics cited by the commentator may constitute good cause under § 165.52. For example, an individual who is the caretaker for an incapacitated adult or child is not exempt from RESET but can establish good cause for not participating in a specific RESET activity under § 165.52(a)(3) if appropriate care for that adult or child is not available. Likewise, an individual who cannot participate in a specific activity because of reasons related to age or pregnancy can establish good cause under § 165.52(a)(1). Simply being in a treatment program for drug or alcohol addiction does not excuse (through exemption or good cause) participation in RESET, but if the treatment program conflicts with a RESET activity, the individual may have good cause for not participating in the conflicting RESET activity.

§ 165.61(a). Grounds for sanction.

Comment: The commentator objected to the list of sanctions in § 165.61(a), and maintained that there are only three grounds for sanction under section 432.3(a) of the code. The commentator specifically objected to the provisions in subsection (a)(6), which state that a sanction may be imposed where the individual fails to "maximize employment." Objection was also made to subsection (a)(12) (redesignated as subsection (a)(11)), which provides that sanction may be authorized where the individual "fails to apply for work at the time and in the manner the Department may prescribe." The commentator submitted that the Department lacks statutory authority for this requirement.

The commentator also objected to the fact that statutory protections such as only permitting a sanction for failure to work only when the recipient is "able to engage" in the assigned work, as required by section 432.3(a)(iii)

of the code, were not included. Additionally, the commentator objected to § 165.61(a)(9) (redesignated as subsection (a)(8)), which calls for a sanction when an individual "fails to participate in one of the following work activities during the first 24 months" without any requirement that the person be referred to a program. By doing so, it is suggested that the Department has circumvented the consultative process in section 405.1(a.2), (4) and (5) of the code.

Response: First, with regard to the commentator's objection that the Department lacks statutory authority to impose sanctions beyond the three sanctions listed in section 432.3(a) of the code, the Department disagrees. The Department's list is based upon not only section 432.3 of the code, but section 405.1 of the code as well. In addition, sections 405, 405.3(f)(1) and (4) of the code, together with sections 405.1 and 432.3 of the code authorize the Department to establish rules regarding grounds for sanction for noncompliance with RESET participation requirements, including requirements specified on an individual's AMR. Nevertheless, as a result of the Department's deletion of the term "maximize employment" from other sections of the regulation as noted elsewhere in this Preamble, the Department has deleted failure to "maximize employment" as a basis for sanction.

Although the Department deleted failure to maximize employment from § 165.61(a)(6), it revised subsection (a)(4) with language that parallels section 432.3(a)(iii) of the code, the statutory basis of the deleted phrase. As noted earlier, this revision does not reflect a new interpretation of what the statute requires an individual to do regarding employment. An individual is nonetheless required to maximize employment, above minimum requirements, to the extent that he is reasonably able to do so. Willful failure to do so, without good cause, is a basis for sanction under revised § 165.61(a)(4). Revised subsection (a)(4) also addresses the commentator's concern that a sanction should not be imposed unless the individual is "able to engage" in the work. As subsection (a)(4) now provides, a sanction will be imposed on an individual who willfully, and without good cause, fails to accept referral to, work in or retain employment in which the individual is able to engage. As to the objection to subsection (a)(11), the specific statutory authority for that requirement is found in section 432.3(ii) of the code.

As to the commentator's concern that there has been a short circuit of the consultative process by not clearly specifying that the individual must be referred to the work activity prior to authorizing imposition of the sanction in subsection (a)(8), the Department disagrees. The Department maintains that the consultative process is ongoing. It begins at the application and when a RESET exemption ends and continues if the initial job search does not result in employment. In addition, there is consultation at each redetermination, and as necessary, the AMR is revised. During the first 24 months, this consultation includes the caseworker providing information on and referral to specific work-related activities.

Before a sanction is imposed, the individual has an opportunity to participate in an interactive compliance review, as specified in § 165.51. During the compliance review, the individual may provide information regarding apparent noncompliance with any RESET requirements, including referral to work-related activities.

§ 165.61(d). Monetary sanction in lieu of the durational sanction.

Comment: Commentators requested that the Department revise § 165.61(d) by providing for a monetary

sanction in lieu of the durational sanction for individuals who reduce earnings after 24 months of cash assistance. They asked the Department to delete the phrase "during the first 24 months that assistance is received."

Response: Under section 432.3(b) of the code, the Department may either reduce the cash grant or apply a durational sanction, or both, for voluntary reduction of earnings by not fulfilling the minimum 20 hour per week work requirement. The Department has elected to apply the durational sanction after the first 24 months to comport with the heightened work-hour requirements for individuals who have received 24 months of cash assistance. The Department has retained the proposed policy reducing the assistance grant in lieu of the durational sanction in the first 24 months.

§ 165.71(a) and (b). Notification.

Comment: Commentators commended the Department for providing a reminder to individuals under sanction that the sanction is ending. Commentators suggested that the Department revise § 165.71 (relating to notification) by stating that the CAO will send notice to an individual when the minimum durational sanction is ending. One commentator suggested that the Department specify that the caseworker will notify the individual 5 days before the minimum durational period ends.

Response: The Department has revised § 165.71(b). The Department will send a written reminder 10 days prior to the end of the minimum sanction period. The Department concluded that 5 days was too short a period of time to provide a meaningful reminder.

§§ 123.22 and 141.41(e) (deleted on final-form), 141.41(f) (redesignated as § 141.41(d)), 165.1(a), 165.2, 165.22, 165.31, 165.51, 165.52 and 281.3(a)(3). Compliance with the Americans with Disabilities Act (ADA).

Comment: Commentators suggested that the regulations do not comport with ADA requirements in five categories: assessments, verification of work exemptions for individuals who are "clearly exempt," the 12-month limitation on education and training, the compliance review and 60-month TANF time limit. Specifically, commentators claimed that the regulations do not comport with the ADA as follows: 1) they do not provide for assessments; 2) they should provide that individuals who are "clearly exempt" should not be required to verify that they are exempt from work requirements; 3) they should modify the 12-month limitation on education as a work activity for disabled individuals who need more time to obtain the full value of an educational program; 4) regarding the compliance review process, they afford less protection against sanctions for disabled individuals than the former conciliation process; and 5) they should modify the 60-month TANF time limit for disabled individuals who may need more time to become self-sufficient.

Response:

§§ 123.22, 141.41(e) (deleted on final-form), 165.1(a), 165.2 and 165.31. Assessments.

The Department has addressed the concern that the regulations do not provide for assessments by adding a definition of AMR in § 123.22 and revising the definition in § 165.2 to reflect the fact that an AMR is based on an assessment of an individual's skills and abilities. The Department has also revised § 165.1(a) to specify that an individual's ability to meet RESET participation requirements will be assessed after consultation with the recipient. Although one commentator cited proposed § 141.41(e) (deleted on final-form rulemaking) and

§ 165.31 as the relevant sections for assessments, the Department does not agree. Section 165.31 involves only RESET participation requirements.

As previously explained, the assessment process is ongoing, occurring at numerous stages, for different purposes and in various contexts. As also previously noted, the Department does not specify details of the ongoing assessment process in the regulations. The primary reason for not regulating assessments beyond the scope of the AMR is that the nature and extent of additional assessments depend on an individual's circumstances and needs. One purpose of the assessment process is to identify obstacles, including disabilities, that may hinder self-sufficiency. Another purpose of the assessment process is to identify strengths and abilities that may facilitate self-sufficiency.

§ 165.22. Verification for "clearly exempt."

The Department does not agree that the regulations should be revised to excuse "clearly exempt" disabled individuals from verification requirements in § 165.21(c)(1). For individuals seeking an exemption on the basis of disability, a physician or psychologist must verify two things: 1) that the disability exists; and 2) that the disability precludes the individual from any form of employment or work-related activity. See section 405.1(a.3)(1) of the code. The requirement of physician or psychologist verification protects disabled individuals from the erroneous judgments of nonexperts. Section 165.22(a) provides further protection for disabled individuals as follows: "The CAO may assist an individual in obtaining verification when help is needed." This subsection clearly benefits disabled individuals and others who may need help in obtaining acceptable verification for an exemption. The Department submits that § 165.22 comports with ADA requirements.

§ 165.31(c)(3) (redesignated as § 165.31(b)(5)). Twelve-month limitation on education and training as a work-related activity.

The 12-month limitation on counting education and training as meeting the RESET participation requirement is mandated by statute. See section 405.1(a.2)(5) of the code. The Department has revised § 165.52 to reflect current good cause policy regarding education and training. The Department submits that this revision for education and training affords sufficient ADA protection for disabled individuals pursuing education and training activities, by providing additional time to continue those activities.

§ 165.51. Compliance review.

The Department does not agree that the compliance review process in § 165.51 affords less protection against sanctions for disabled individuals than the former conciliation process. As previously noted, the Department has made numerous revisions to § 165.51, including the addition of cross references to §§ 165.52 and 275.1. One significant revision is the addition of subsection (e), a special provision for disabled individuals. Subsection (e) specifies that if a caseworker knows that an individual has a disability, the caseworker considers this fact, as well as those presented by the individual. If the facts reveal that the individual did not comply with RESET participation requirements due to disability, no sanction is imposed. In that instance, the caseworker will develop a new AMR to address the disability, and, if applicable, other obstacles to self-sufficiency.

The compliance review offers individuals sufficient notice and opportunity to be heard, including due process

and ADA protections. The caseworker will be flexible in scheduling the compliance review, considering the individual's work, school and family obligations and accommodating a request for a telephone or in-person session, as revised § 165.51(b) provides.

§ 141.41(f) (redesignated as § 141.41(d)). *Modification to the 60-month TANF time limit.*

As previously explained, the Department has revised § 141.41(d) to reflect the Department's authority to provide TANF assistance that does not count toward or extends beyond the 60-month TANF time limit. Under this revision, the Department's decision to offer assistance that does not count toward or extends beyond the 60-month limit in part reflects a commitment to further strengthen efforts to help individuals with disabilities overcome obstacles to self-sufficiency.

First, Time-Out benefits, available under Chapter 281, do not count toward the 60-month limit. An individual who is exempt from participation in RESET because of a physical or mental disability that precludes employment is eligible to receive Time-Out under § 281.3(a)(3) (relating to eligibility requirements) if the individual voluntarily participates in MPP. MPP helps individuals address medical conditions, functional limitations or good cause situations that are barriers to self-sufficiency. Second, the Extended TANF program provides assistance beyond 60 months for an individual with a disability or other barrier to self-sufficiency. Extended TANF requires participation in MPP for these individuals.

Good cause for not cooperating in obtaining support or establishing paternity § 187.25(a) and (b). Oral notification of right to claim good cause.

Comment: Commentators requested that the Department revise § 187.25(a) (relating to notification to the applicant or recipient) to include detailed oral notification of an individual's right to claim good cause for not cooperating in obtaining support or establishing paternity.

Response: The Department concurs, and has revised this section (and § 187.25(b)) accordingly.

§ 187.27(b) and (c). *Proof of good cause—use of the terms “corroboration” and “corroborative evidence.”*

Comment: Commentators suggested that the Department replace “corroboration” and “corroborative evidence” with “verification.”

Response: The Department concurs, and has revised § 187.27(b) and (c) (relating to waiver of cooperation for good cause) as requested. In addition, the Department has replaced “corroborated” with “verified.”

§ 187.27(b)(1)(iv). *Verification of good cause—medical records.*

Comment: Commentators suggested that § 187.27(b)(1)(iv) contains burdensome verification requirements and does not comport with other verification requirements for victims of domestic violence. They suggested that the Department delete this subparagraph.

Response: The Department has considered this comment and does not agree that verification requirements in this subparagraph are burdensome. This subparagraph is simply permissive; a victim of domestic violence is not required to produce medical records to verify her claim. Section 187.27(b)(1)(iv) applies to an individual who wishes to use medical records to verify a good cause claim, whether she is claiming good cause as a victim of domestic violence, incest or rape. Therefore, this provision

is not inconsistent with other verification requirements for victims of domestic violence.

§ 187.27(b)(1)(v). *Scope of good cause circumstances.*

Comment: Commentators suggested that § 187.27(b)(1)(v) does not recite the full scope of good cause circumstances set forth in § 187.27(a)(4) (relocated to § 187.22 (relating to definitions) in this final-form rulemaking). They also asked the Department to delete the phrase “indicate that the putative father, noncustodial parent or absent spouse might inflict harm on the individual or family member as specified under subsection (a)(4)” from § 187.27(b)(1)(v), and replace it with “verify domestic violence as defined at subsection (a)(4).”

Response: The Department does not agree that § 187.27(b)(1)(v) should recite examples of good cause. This provision involves only verification of good cause. However, the Department has revised this provision by replacing the quoted language as suggested, and cross referencing § 187.22, the relevant provision.

§ 187.27(b)(1)(vi) and (2). *Prohibition on contacting abuser.*

Comment: Commentators suggested that the Department relocate the following sentence in § 187.27(b)(1)(vi): “The CAO may not contact the putative father or noncustodial parent to verify good cause in a domestic violence situation.” They suggested moving the sentence to § 187.27(b)(2), which describes the CAO's role in assisting with verification.

Response: The Department concurs, and has moved this sentence to § 187.27(b)(2). In addition, the Department has revised the sentence as follows: “The CAO may not contact the putative father or noncustodial parent to verify good cause based on a claim of domestic violence.”

§ 187.27(b)(1)(vii). *Person completing good cause waiver form.*

Comment: Commentators suggested that the Department revise § 187.27(b)(1)(vii) to clarify that the CAO will complete the *Verification of Good Cause Based on Domestic Violence Form* with the individual.

Response: The Department concurs, and has revised this section as recommended.

§§ 187.27(c)(3) and 187.23(d)(4). *Expiration of waivers.*

Comment: Commentators suggested that the Department revise § 187.23(d)(4) (relating to requirements) and § 187.27(c)(3) to specify that a good cause waiver may last as long as necessary, subject to a review every 6 months. They questioned the wisdom of establishing an expiration date for a good cause waiver.

Response: The Department concurs and has deleted reference to expiration of the waiver in § 187.27(c)(3), and in § 187.23(d)(4) the Department clarified that the good cause waiver may last as long as the good cause exists.

§ 187.27(c)(4). *Review of good cause.*

Comment: Commentators suggested that the Department revise § 187.27(c)(4) to clarify that a good cause waiver will not be reviewed more often than every 6 months. They recommended that the Department delete the last sentence in § 187.27(c)(4), which specifies that the review may be earlier if the circumstances warranting good cause change or the CAO granted the good cause waiver for a shorter period.

Response: The Department has revised this section as recommended. However, this revision does not preclude

the Department from reviewing the good cause waiver before the usual 6-month review period. For example, if the CAO authorizes assistance for a mother and her children in February, but she receives a good cause waiver in May, the CAO would likely review good cause at her regular redetermination in August. Thereafter, the CAO would review good cause every 6 months, at each redetermination.

§ 187.27(c)(4)(i). Verification requirements after initial good cause waiver.

Comment: Commentators suggested that § 187.27(c)(4)(i) is unduly burdensome for victims of domestic violence. They suggested that an individual with a good cause waiver based on documentation or third-party statements should not be required to submit additional verification for future waivers, if her circumstances have not changed. They requested that the Department revise the provision by deleting the requirement that these individuals submit a *Verification of Good Cause Based on Domestic Violence Form* completed by a person trained in domestic violence.

Response: The Department concurs, and has revised this section as recommended.

§§ 187.23(b)(1)(i), 187.27(b)(1)(vii)(B), (C), (3) and (c)(4)(ii). Miscellaneous Chapter 187 revisions.

Comment: Two commentators submitted an attachment to their written comments consisting of suggested minor edits to the sections noted previously.

Response: The Department has revised all but one of these sections as suggested. The Department does not agree that the phrase "without good cause" should be inserted after the phrase "minor child" in § 187.23(b)(1)(i) (regarding identifying the father of an unemancipated minor). Section 187.23(b)(1)(i) simply follows section 4379(2)(ii) of the Domestic Relations Code (relating to cooperation required), which states that failure of the mother to identify the child's father shall create a presumption of noncooperation. As section 4379(2)(ii) of the Domestic Relations Code illustrates, the General Assembly did not intend to obviate this presumption with a showing of good cause. Rather, under section 4380(b)(2) of the Domestic Relations Code (relating to enforcement of cooperation requirements), if the mother does not rebut this presumption, good cause excuses her noncooperation. However, the Department agrees that because it elected the FVO, in cases involving domestic violence, the cooperation requirement is altogether waived. In these cases, the CAO need not determine if the mother cooperated with this requirement.

Other comments

§ 153.44. Eligibility for TANF/Deprivation requirements.

Comment: Commentators requested that the Department revise § 153.44 (relating to procedures) by deleting rules regarding deprivation and two-parent families. They claimed that this policy is an unnecessary artifact of the former AFDC program, and disadvantages two-parent families. They suggested that the Department revise the regulations to provide that two-parent families will be evaluated for eligibility based on the same criteria as other families: income and willingness to meet RESET participation requirements, without regard to the number of hours worked.

Response: The Department has revised § 153.44 to eliminate several rules affecting the eligibility of two-parent families. Those rules originated in the AFDC program. These changes were implemented by a NORC

published at 30 Pa.B. 2956 (June 10, 2000). The requirement in § 153.44(d)(1)(i) that the parent be unemployed at least 30 days before eligibility begins was deleted. The definition of unemployment in § 153.44(d)(1)(ii) was revised by deleting the reference to part-time work. The change permits an otherwise eligible family to qualify without regard to the number of hours worked. The Department has also deleted § 153.44(d)(1)(iii) which defined part-time employment as work of less than 100 hours a month.

The Department has not eliminated the remaining rules regarding deprivation and two-parent families. As announced in its first TANF State Plan, the Commonwealth has retained rules from the AFDC program except for the changes outline in the State Plan.

The Department will consider the commentator's suggestion to eliminate all deprivation requirements for future rulemaking. The deprivation requirement limits TANF to families in which a child is deprived of the care and support of at least one parent due to absence, disability or unemployment. A thorough analysis of the fiscal impact would be necessary before eliminating this requirement.

§§ 141.41(c), 141.61(c), 181.251, 183.71 and 183.105(4)(iii). Gross income test for applicants.

Comment: Commentators requested that the Department eliminate the gross income test for applicants in § 183.71.

Response: The Department concurs, and has deleted § 183.71. Additionally, the Department revised §§ 141.41(c), 141.61(c), 181.251 and 183.105(4)(iii) to be consistent with elimination of the gross income test for both applicants and recipients.

§ 187.22. Definition of "budget group."

Comment: Commentators suggested that the Department revise the definition of "budget group" in § 187.22. They disputed that all siblings should be included in the budget group, including children for whom support or other income is paid. They noted that the Federal mandatory budget group requirement was eliminated when AFDC was repealed in 1996. One commentator questioned whether this definition discourages support from a noncustodial parent if that support must be included in the budget group income in determining eligibility.

Response: The Department does not agree that the definition of budget group should be revised as suggested. As the Department explained in its initial TANF State Plan, published at 27 Pa.B. 342 (January 18, 1997), many of the rules and procedures under which the Department administered the former AFDC program will remain in effect under the new TANF program. This includes the definition of "budget group" in §§ 141.42 and 187.22 and the policy for grant groups and filing units in § 171.21.

The Department's rationale for leaving the definition of "budget group" intact is premised on the explicit legislative purpose of public assistance: to enable needy individuals who lack sufficient means of support to become self-sufficient. See sections 401, 405.1, 432 and 432.12 of the code. Mindful of the need to allocate finite social welfare resources to the most needy, the Department requires individuals to first turn to other sources of income and resources before resorting to public assistance. To ensure that scarce public funds are preserved for the most needy, other financial sources are considered in determining a family's actual need for government ben-

efits. Other financial sources include income, such as support, attributed to a sibling residing with a recipient child.

Finally, the Department does not agree with the commentator's suggestion that noncustodial parents may be inclined to withhold support if the regulation is not revised as requested. Pennsylvania law plainly requires parents to support their minor dependent children. See section 4321 of the Domestic Relations Code (relating to liability for support). The Department's definition of "budget group" does not affect this obligation.

§ 187.23(b)(6) and (c)(6). Assignment of support.

Comment: Commentators suggested that the Department revise § 187.23(b)(6) and (c)(6) to state that support received or anticipated to be received directly from the payor after assignment of support is not always required to be paid to the Department. They explained that in the initial month of application for TANF, any support received or anticipated to be received is counted in determining the amount of assistance, subject to a \$50 disregard.

Response: The Department does not agree that § 187.23(b)(6) and (c)(6) should be revised as requested. However, the Department has revised § 183.32 to reflect the revised procedures for handling support payments received in the initial month of assistance.

With the conversion of the computer systems of the county domestic relations sections to the Statewide automated child support system of the Pennsylvania Child Support Enforcement System, assignment of support to the Department is immediate upon authorization of assistance. Prior to authorization, support paid to an applicant is not assigned to the Department, but is counted in determining the amount of assistance for the initial month. Because assignment is immediate upon authorization, any support received after this time must be reimbursed to the Department, as section 4379(2)(i)(F) of the Domestic Relations Code specifically mandates. Section 187.23(b)(6) and (c)(6) simply follows section 4379(2)(i)(F) of the Domestic Relations Code. The Department does not intend to deviate from this statute.

Additional Revisions

The following is a discussion of additional revisions to Annex A which the Department made as a result of its own internal review in preparation for final-form rule-making:

1. *Section 105.4(c)(2).* The Department deleted as unnecessary the reference to the code.

2. *Section 125.1 and § 133.23 (relating to requirements).* From these sections, the Department deleted the description of the AMR. However, as explained in the Preamble discussion of assessments, the Department added a definition of "AMR" in § 123.22 and revised § 165.2. In addition, the Department deleted provisions in § 133.23 that reiterated parallel provisions in § 125.1. The deleted provisions recited various obligations and responsibilities specified on an AMR. Because § 125.1 contains a list of these obligations and responsibilities, revised to closely track section 405.3 of code, the Department amended § 133.23 to specify that an individual must comply with these in accordance with § 125.1. Section 125.1 is revised to clarify the consequences of noncompliance, without good cause, with various AMR requirements. Section 133.23 is also revised to cross-reference § 125.1 for the penalties of failing, without good cause, to sign or comply with the AMR. Further, § 133.23

is revised to specify that the worker and individual will review and assess the individual's progress in achieving self-sufficiency and compliance with the AMR and modify the AMR as necessary. To make these revisions, these chapters required technical edits, including reorganization and redesignation.

3. *Sections 140.41, 140.65, 177.21, 178.161, 181.262, 181.287, 183.38 and 183.81.* The Department revised §§ 140.41, 177.21, 178.161, 181.262 and 183.81 for consistency with the TANF State Plans published at 27 Pa.B. 342 and 29 Pa.B. 5658 (October 30, 1999). As revised, these regulations provide that educational assistance in the form of loans, grants and scholarships and work study income are not counted as income or resources in determining eligibility for cash assistance and TANF- and GA-related Medicaid. In addition, the Department deleted §§ 140.65, 181.287 and 183.38 as duplicative.

4. *Section 141.41(f) (redesignated as (d)).* The Department has further revised § 141.41(d) by adding the phrase "head of household or spouse of head of household" after the word "adult" to specify that the 60-month time limit is based on TANF assistance these adults receive. This revision is consistent with 45 CFR 264.1(a)(1) (relating to what restrictions apply to the length of time Federal TANF assistance may be provided). Although this phrase does not appear in 42 U.S.C.A. § 608(a)(7)(A), PRWORA's legislative history supports this revision. See House Conference Report No. 104-725, page 288. The House Conference Report states that "[w]hen considering an individual's length of stay on welfare, states are to count only time during which the individual received assistance as the head of household or spouse of the household head."

5. *Sections 141.41(e) and 141.61(a)(1)(xv).* The Department deleted these provisions as duplicative.

6. *Sections 153.42 and 187.22.* The Department has revised the definition of "cash assistance allowance" in these sections to follow the definition in § 141.42.

7. *Section 153.44(b)(2)(i)(C).* The Department has deleted the reference to *Form PA 162-A, Advance Notice*, because this provision applies to both applicants and recipients. Applicants are sent *Form PA-162, Notice to Applicant*. *Form PA 162-A* is sent only to recipients.

8. *Sections 153.44(d)(1)(i)(E), 165.1(a), 165.2, 165.21, 165.21(c), 165.22(b)(2), 165.25, 165.31(a)(1), 165.31(f) and 165.52(a)(15).* The Department has deleted the words "enroll" and "enrollment" and replaced them with the words "participate" and "participation."

9. *Section 165.2—EDP.* Although the Department proposed to delete "EDP—Employment Development Plan," the final-form rulemaking includes it, with a revised definition. The term is now obsolete for cash assistance, but is relevant for Food Stamp recipients. The EDP outlines a Food Stamp recipient's work activities, employment goals and services provided by the Department.

10. *Section 165.2—Noncompliance.* The Department has revised the definition of "noncompliance" by deleting the words "willful" and "without good cause." Noncompliance is not necessarily willful and without good cause.

11. *Section 165.31(c)(4) (redesignated as § 165.31(b)(6)).* The Department has revised this provision to clarify that an individual under this paragraph may satisfy RESET participation requirements by pursuing a high school diploma or its equivalent, provided that the individual maintains satisfactory progress.

12. *Sections 165.1(c), 165.31(b)(7) and (8) and (c)(3).* The Department, under the authority of section 405.3(d) of the code, has added subsection (c) to § 165.1 to clarify that the Department has discretion to provide employment, education, training, work-related activities or work experience programs to applicants or recipients. However, the Department has made clear that nothing in this final-form rulemaking shall be interpreted as requiring the Department to develop or to offer or to continue to offer employment, education, training, work-related activities or work experience programs. Also, the Department added provisions to codify its interpretation of the 6-month limitation for work experience in section 402 of the code. Section 165.31(b)(7), (b)(8) and (c)(3) clarify that an individual may participate in work experience for 6 cumulative months in the individual's lifetime. Because the months are cumulative, if the individual participates in work experience for less than 6 months, he may use the balance of that 6-month period at a later time. The regulations do not preclude an individual who has exhausted his 6-month lifetime limit from engaging in a different type of RESET activity, including subsidized employment. The Department will modify the limit for individuals to comply with ADA requirements, as the regulations now specify.

13. *Sections 165.31(d) and 165.41.* The Department has revised § 165.31(d) to clarify that final approval of a Food Stamp recipient's EDP rests with the Department and revised § 165.41 to provide that Food Stamp recipients may receive special allowances for supportive services.

14. *Section 165.52(a)(3).* For consistency, the Department has revised § 165.52(a)(3) to specify that "appropriate care within a reasonable distance from the individual's home" also applies to adult care for an incapacitated adult.

15. *Section 165.52(a)(9).* The Department has deleted § 165.52(a)(9) as unnecessary and duplicative because revised § 165.52(a)(3) sufficiently addresses this situation.

16. *Section 165.52(a)(16).* The Department has deleted this provision as inconsistent with sections 405.1 and 432.3 of the code.

17. *Section 165.61(a)(8) (redesignated as § 165.61(a)(7)).* The Department has revised § 165.61(a)(7) by deleting the phrase "after having received cash assistance for 24 months or more." With this revision, § 165.61(a) clarifies that individuals who have received less than 24 months of cash assistance are also subject to sanction for reducing earnings.

18. *Section 187.27(a)(4).* The Department has moved the definition of "domestic violence" to § 187.22 (relating to definitions).

19. *Chapters 105, 123, 125, 133, 140, 141, 151, 153, 165, 178, 181, 183 and 187.* The Department has made minor technical revisions to these chapters. For example, the acronym "AFDC" is replaced with the acronym "TANF" and "client" or "clients" and "person" or "persons" are replaced with "individual" or "individuals." In addition, "will" replaces "shall" in provisions where the Department will act; "shall" replaces "will" in provisions where others have a duty to act.

Fiscal Impact

Commonwealth. The estimated savings to the Commonwealth for Federal Fiscal Year (FFY) 2001 and thereafter

is \$204.363 million. The estimated costs to the Commonwealth for FFY 2001 are \$86.778 million and thereafter \$83.740 million.

Public sector. There will be no costs or savings incurred by the public sector.

Private sector. There will be no costs or savings incurred by the private sector.

Effective Date

The following amendments shall take effect upon publication in the *Pennsylvania Bulletin* for §§ 123.22, 133.23(a)(1)(i)(A), 140.41, 140.65, 141.21(e), 141.41(c), 141.41(d), 141.61(c), 153.44(b)(2)(i)(C), 165.2, 165.22, 165.31(b), (c) and (e), 165.41, 165.51, 165.52(a)(3), (c) and (d), 165.71(b), 177.21, 178.161, 181.251, 181.262, 181.287, 183.32, 183.38, 183.71, 183.81, 183.105(4)(iii), 187.25(a), 187.25(a)(3), 187.25(b), 187.26(c)(1)(i) and (iii), 187.26(c)(2)(i) and (iii), 187.26(d)(1)(i) and (iii) and Chapter 281. The following amendments will be effective retroactive to March 3, 1997, for §§ 105.1, 105.3, 105.4, 125.1, 133.23, 140.53, 140.81, 141.1, 141.21, 141.41, 141.42, 141.61, 141.71, 145.43, 151.42, 151.43, 153.42, 153.43, 153.44, 165.1, 165.11, 165.21, 165.25, 165.31, 165.52, 165.61, 165.71, 177.22, 177.24, 178.11, 178.12, 178.151, 178.165, 181.41, 181.42, 181.263, 181.273, 181.311, 183.23, 183.94, 183.96, 183.97, 187.21, 187.22, 187.23, 187.24, 187.25 and 187.26. Section 183.81(29) will be effective retroactive to October 1, 1998. Section 153.44(d)(1)(i)(B), (ii) and (iii), the definition of "domestic violence" contained in § 187.22 and § 187.27 will be effective retroactive to July 3, 2000.

Sunset Date

Except for Chapter 281, there is no sunset date. Chapter 281 contains a sunset date of July 1, 2004. The regulations will be changed in accordance with changes in State and Federal law.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 8, 2002, the Department submitted a copy of this final-form rulemaking to IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of all comments received during the public comment period. The Department has also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request. In preparing the final-form rulemaking, the Department has considered all comments received from the public, IRRC and the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on July 29, 2002, this final-form rulemaking was deemed approved by the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 8, 2002, and approved this final-form rulemaking.

Findings

The Department 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking is necessary and appropriate for the administration of the act.

Order

The Department, acting under the act, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 105, 123, 125, 133, 140, 141, 145, 151, 153, 165, 177, 178, 181, 183 and 187, are amended by amending §§ 105.1, 105.3, 105.4, 123.22, 125.1, 133.23, 140.41, 140.81, 141.1, 141.21, 141.41, 141.42, 141.61, 141.71, 145.43, 151.42, 151.43, 153.42, 153.43, 153.44, 165.1, 165.2, 165.21, 165.31, 165.41, 165.51, 165.52, 165.61, 165.71, 177.21, 177.22, 177.24, 178.11, 178.12, 178.151, 178.161, 178.165, 181.41, 181.42, 181.262, 181.263, 181.311, 183.32, 183.81, 183.94, 183.97, 183.105, 187.21, 187.22 and 187.23; by adding §§ 165.22, 165.25, 187.25—187.27 and 281.1—281.5; and by deleting §§ 140.53, 140.65, 165.11, 181.251, 181.273, 181.287, 183.23, 183.38, 183.71, 183.96 and 187.24 to read as set forth in Annex A.

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

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

(d) The order for the following amendments shall take effect upon publication in the *Pennsylvania Bulletin* for §§ 123.22, 133.23(a)(1)(i)(A), 140.41, 140.65, 141.21(e), 141.41(c), 141.41(d), 141.61(c), 153.44(b)(2)(i)(C), 165.2, 165.22, 165.31(b), (c) and (e), 165.41, 165.51, 165.52(a)(3), (c) and (d), 165.71(b), 177.21, 178.161, 181.251, 181.262, 181.287, 183.32, 183.38, 183.71, 183.81, 183.105(4)(iii), 187.25(a), 187.25(a)(3), 187.25(b), 187.26(c)(1)(i) and (iii), 187.26(c)(2)(i) and (iii), 187.26(d)(1)(i) and (iii) and Chapter 281. The following amendments will be effective retroactive to March 3, 1997, for §§ 105.1, 105.3, 105.4, 125.1, 133.23, 140.53, 140.81, 141.1, 141.21, 141.41, 141.42, 141.61, 141.71, 145.43, 151.42, 151.43, 153.42, 153.43, 153.44, 165.1, 165.11, 165.21, 165.25, 165.31, 165.52, 165.61, 165.71, 177.22, 177.24, 178.11, 178.12, 178.151, 178.165, 181.41, 181.42, 181.263, 181.273, 181.311, 183.23, 183.94, 183.96, 183.97, 187.21, 187.22, 187.23, 187.24, 187.25 and 187.26. Section 183.81(29) will be effective retroactive to October 1, 1998. Section 153.44(d)(1)(i)(B), (ii) and (iii), the definition of “domestic violence” contained in § 187.22 and 187.27 will be effective retroactive to July 3, 2000.

FEATHER O. HOUSTON,
Secretary

(Editor’s Note: For the text of order of the Independent Regulatory Review Commission, relating to this rulemaking, see 32 Pa.B. 4211 (August 24, 2002).)

Fiscal Note: Fiscal Note 14-472 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart A. ASSISTANCE POLICIES AND PROCEDURES

CHAPTER 105. SAFEGUARDING INFORMATION

§ 105.1. Policy.

(a) *Legal provisions.* The legal provisions relating to policy for safeguarding information are as follows:

(1) The provisions of this chapter safeguard information relating to individual applicants and recipients of public assistance by restricting the use or disclosure of the information as required by sections 404, 425 and 505 of the Public Welfare Code (62 P. S. §§ 404, 425 and 505).

(2) The term “PA” as used throughout this section includes the cash assistance program (AFDC, GA, SBP), the ETP, the child welfare program, the child support enforcement program, the MA Program, the SSI Program and the Social Services Program.

(b) *General objective.* The general objective of this chapter is as follows:

(1) The objective of this chapter is to permit the maximum use of information collected from and about a client to determine eligibility for assistance, and still preserve, insofar as possible, that relationship of confidence between the Department and its clients, and the Department and the public at large, which is vital to efficient administration. To carry out this objective, the Department has established regulations defining the use and disclosure of information on applicants and recipients.

(2) The term “Department” as used in this section refers to offices and employees of the Department of Public Welfare that are concerned with the administration of the public assistance program.

(c) *General policy in the collection and use of information.* General policy in the collection and use of information is as follows:

(1) The Department will collect and use only that information that relates to its responsibilities in administering the public assistance program. The client shall give information for purposes directly related to eligibility for assistance or other services the Department gives, and use of the information by the Department is confined to those purposes. The Department often requires information from and regarding clients which is of a highly personal nature. The information is limited in its scope and its use to that which is essential to the proper discharge of the responsibilities of the Department. As a measure to provide protection of the individuals it serves, the Department will take precaution against their being exploited for commercial or political reasons.

(2) The Department will give pertinent statistical or social data in general studies, reports, surveys, information on expenditures, number and category of recipients, and other information, so long as none of it identifies any particular individual.

(3) The Department will provide information to law enforcement officials as provided in § 105.4 (relating to procedures) and information regarding an individual under the safeguards provided in this chapter, when this information relates to a service the individual is asking for himself, or one asked for on his behalf by someone he

has requested to act for him, and when the service is related to the purpose and function of the public assistance program.

(d) *Information to be safeguarded.* The Department will safeguard the following information:

- (1) The names of applicants and recipients.
- (2) The address of any applicant or recipient and the amount of assistance any recipient is receiving except as provided in § 105.4 (relating to procedures).
- (3) Information in applications, reports of investigations, financial and medical records, correspondence and other recorded or unrecorded information, related to the condition or circumstances of applicants and recipients. This applies to information in the offices of the Department, the Department of the Auditor General, the Treasury Department and other agencies concerned with the administration of public assistance. Information that does not identify a particular individual is not included in the class of material to be safeguarded.

(e) *Information on MA.* The policy for information on MA is as follows:

- (1) Each recipient or applicant for MA has the right to have the information given to the Department about his circumstances kept confidential. The information may be used only for purposes related to the administration of assistance.
- (2) In the administration of the MA Program, the agency is required to provide to the vendor of medical care and services certain information regarding an applicant or recipient. In these relationships, it is the responsibility of the agency to be reasonably assured that these persons will safeguard the information and use it only for the purpose for which it was made available.
- (3) Public access to information on the application of any person for or receipt of MA is not provided. Section 105.4(a)(1) does not apply to MA records.

(f) *Use of information outside the Department.* An individual may not have direct access to the records of the Department unless that individual has an official connection with any part of the Department, or is an employee of the Auditor General's Department, the Treasury Department or another Commonwealth or Federal agency officially charged with administrative supervision, review, evaluation or audit. Moreover, this access to records is confined to materials essential to carrying out the official functions of the Department or agency involved. Employees of agencies who are engaged in investigation of welfare fraud will in no way be prohibited access to case records. An individual may not have direct access to his own case record except as provided in § 105.5 (relating to access by an individual to his case file).

(g) *Authority to disclose information.* Authority to disclose information will vest in accordance with the following:

- (1) Information in the possession of the Department is within the exclusive control and custody of the Secretary.
- (2) Authority to disclose information as provided for in this chapter is delegated to the executive director of each county board of assistance, and to those persons in the State Office that the Secretary designates from time to time.
- (3) The executive director may delegate this responsibility only to top supervisors of social service staff.

(4) The files and records of the Department must be properly protected at all times. Each CAO shall have written rules on the removal of material from the files, return of this material and supervision of the files.

§ 105.3. Requirements.

(a) The records and files of the Department will be used only by those employees properly concerned with them in performing their duties. Case records and other information relating to a client will be forwarded to the State Office upon request. The use of information by county board members is governed by the same rules as govern employees.

(b) The use of information in the possession of the Department concerning applicants and recipients is restricted to purposes directly connected with the following:

(1) The administration of the public assistance programs of the Department. The purposes include establishing initial and continued eligibility, determining amount of assistance to be granted and providing services.

(2) An investigation, prosecution or criminal or civil proceeding conducted in connection with the administration of the programs.

(3) The administration of another Federal or Federally-assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need.

(c) Disclosure to a committee or legislative body, whether Federal, State or local of information other than that specified in § 105.4(a)(1) (relating to procedures) is prohibited.

(d) Certification of the receipt of AFDC to an employer for the sole purpose of claiming tax credit under the Tax Reduction Act of 1975 (26 U.S.C.A. §§ 3, 11, 12, 21, 42—48, 50A, 50B, 56, 141, 214, 243, 535, 613, 613A, 703, 851, 901, 902, 951, 954, 955, 962, 993, 1034, 1551, 1561, 3402, 6012, 6096, 6201, 6401 and 6428) is considered to be for a purpose directly connected with the administration of the public assistance program. The employers tax credit has been extended through December 31, 1979 by the Tax Reform Act of 1976, Pub. L. No. 94-455, 90 Stat. 1520. Upon written request by the employer, the CAO will complete a PA 132 certifying that the client received assistance immediately prior to the date of hire and continuously for 90 days prior to the date of hire. In non-WIN counties, three signed copies are required; for the employer, county assistance office central file, and the case record. In WIN counties, four signed copies are required; for the employer, county assistance office central file, case record and the local WIN office.

(e) When seeking additional information or proof from further sources, the Department will use only that information in its possession that is strictly relevant to the purpose. The basis for this use of information is that every client understands what is involved in determining eligibility and has, therefore, given consent to this use of information. Further reference should be made to § 121.1 (relating to policy).

(f) Information may be used to provide a service the client has asked for, or to answer inquiries made on the behalf of the client, if the Department has valid grounds for concluding that the client has asked the inquirer to act on his behalf. Information thus used must be strictly relevant to the particular service requested. In getting information for other agencies, the Department will tell the person interviewed that the information given will be sent to the inquiring agency.

(g) Information may be released to law enforcement officials, and the Pennsylvania State Police and the Board of Probation and Parole, in compliance with State and Federal law relating to release of information as provided in § 105.4.

§ 105.4. Procedures.

(a) *Use and disclosure of information outside the Department.* The Department will use information or disclose it to private individuals, officials or agencies outside the Department as set forth in the following:

(1) Provided that the information is not to be used for political or commercial purposes, the address and amount of assistance a person is currently receiving will be disclosed to an adult resident of this Commonwealth who asks for the information about a person. In releasing the information, the county office must be reasonably assured that the person is 21 years of age or older and a resident of this Commonwealth. The county office also will take the following steps:

(i) If the inquirer appears in person, the information in the "Request" section of *Form PA 163, Request for Address and/or Amount of Assistance* will be filled in, and the person making the request shall sign the form before the information is disclosed. The "Reply" section of the form will then be completed.

(ii) If the request is made by telephone and the inquirer is known to the person receiving the request and the inquirer knows about the restrictions on the use of information, the information will be given over the telephone. Otherwise, the inquirer will be advised to either come to the office or to make his request in writing. If information is given over the telephone, the person giving the information will prepare a *Form PA 163 (Request for Address and/or Amount of Assistance)* for file, showing the name of the person making the request.

(iii) If the information is requested by correspondence, the county office will prepare a reply in duplicate, always including in any reply that gives information the following excerpts from the Public Welfare Code (62 P. S. §§ 404 and 483):

Section 404: The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of public assistance from improper publication, and to restrict the use of information furnished to other agencies or persons to purposes connected with the administration of public assistance. Upon request by any adult resident of the Commonwealth, the department may furnish the address and amount of assistance with respect to persons about whom inquiry is made; but, information so obtained shall not be used for commercial or political purposes; and, no information shall be furnished regarding any person's application for, or receipt of, medical assistance.

* * * * *

Section 483 Penalties.—Any person knowingly violating any of the rules and regulations of the department made in accordance with the Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine, not exceeding one hundred dollars (\$100), or to undergo imprisonment, not exceeding six months, or both.

(2) Information relating to the eligibility of a person for assistance obtained as a result of a request for information will be entered in the case record. The signed *Form PA 163, Request for Address and/or Amount of Assistance*, or the duplicate of the letter will be filed so as to make it as easy as possible to assemble information on these requests for the State Office when it asks for the information.

(b) *Additional uses.* Before use or disclosure of information as provided in this chapter, it is the responsibility of the Department to be reasonably assured that the use or disclosure is for a purpose connected with public assistance and the receiving agency or official will safeguard the information, will use it only for the purposes for

which it was made available and has standards of protection equal to those of the Department on the use of information by staff, and on office equipment and procedures.

(1) *Action by the Department to collect money due, or to protect welfare of certain clients.* Information may be disclosed by the Department when necessary to carry out the regulations on recovering money due as set forth in Chapters 255 and 257 (relating to restitution; and reimbursement).

(2) *Request by a public or private agency.* At the request of a public or private agency that the individual has asked for services, information may be furnished to the agency if its objective is to protect or advance the welfare of the individual, and if the individual has given that agency specific consent to the release of specific information from the records of the Department.

(3) *Judicial order (subpoena).* Information may be disclosed on proper judicial order. If, however, a proper judicial order to disclose information other than as provided in subsection (a) is for a purpose not connected with the administration of the Department, the following steps will be taken:

(i) The Executive Director will send a memo to the Chief, Division of Claim Settlement, Harrisburg, Pennsylvania explaining the situation and asking for legal counsel. In an emergency, the Executive Director will telephone.

(ii) A staff member will appear in court with counsel.

(iii) The Department will plead, in support of its request to withhold information, that under the Public Welfare Code (62 P. S. §§ 101—1503), the rules of the Department prohibit the disclosure of information in records and files, including the names of clients, except as provided in subsection (a).

(iv) After the plea is made, the Department will be governed by the final order of the court.

(v) Immediately following the court proceedings, a complete report will be made to the Chief, Division of Claim Settlement, Harrisburg, Pennsylvania.

(c) *Release of information to law enforcement officials.* For applicants and recipients of TANF and GA cash assistance, the Department will comply with the following:

(1) Provide to a Federal, State or local law enforcement officer the address of a fugitive felon, parole or probation violator or an individual who may have information that the officer needs to conduct official duties if the location and apprehension of the recipient is within the official duties.

(2) Exchange information with the Pennsylvania State Police and the Board of Probation and Parole to identify individuals who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law to ensure that cash assistance is not granted to those individuals. The Pennsylvania State Police and Board of Probation and Parole will have access to the records of the Department's Assistance Recipient Identification Program (finger-imaging file).

(d) *Names of SBP recipients.* A request by an individual or organization for the names of SBP recipients, or for lists of the names, except as provided in this section, will be referred to the Bureau of Blindness and Visual Services Department of Public Welfare, Harrisburg, Pennsylvania. The files of the Bureau of Blindness and Visual

Services contain the names of blind persons who are not recipients as well as those who are. The Bureau of Blindness and Visual Services is the agency authorized by law to collect data on the nature and extent of blindness in this Commonwealth. The Bureau of Blindness and Visual Services will determine the validity of a request for names of blind persons and will release appropriate names to those individuals or agencies that have a valid interest in blind persons.

(e) *Mailing or distribution of materials.* Procedures for mailing or distribution of materials will be as follows:

(1) Materials mailed or distributed to applicants, recipients or medical vendors will be limited to those which are directly related to the administration of the program. This will include materials enclosed in envelopes containing checks. Materials having political implication are prohibited from mailing or distribution to applicants, recipients or medical vendors. Specifically prohibited from mailing or distribution will be holiday greetings, general public announcements, voting information and alien registration notices.

(2) Mailing or distributing materials that are in the immediate interest of the health and welfare of applicants and recipients is permitted. The materials include announcements of free medical examinations, availability of surplus food and consumer protection information.

(3) Only the names of persons directly connected with the administration of the program will be contained in material mailed or distributed to applicants, recipients and vendors. The persons will be identified only in their official capacity with the Department.

(f) *Making rules and regulations known.* The provisions of this chapter, including the penalty for violation, will be:

(1) Distributed to every county board member and members of the appropriate State boards.

(2) Circulated to Department employees concerned with the administration of public assistance, called to the attention of every new employee and filed to be accessible to every employee.

(3) Made available to persons to whom public assistance information is given.

(4) Made available to interested persons.

Subpart B. INTAKE AND REDETERMINATION

CHAPTER 123. DEFINITIONS

TANF/GA INTAKE AND REDETERMINATION DEFINITIONS

§ 123.22. Definitions.

The following words and terms, when used in this chapter and Chapters 125, 133 and 141 (relating to application process; redetermining eligibility; and general eligibility provisions), have the following meanings, unless the context clearly indicates otherwise:

AMR—Agreement of mutual responsibility—

(i) A written individualized document that, based on an assessment of the individual's skills and abilities, sets forth the responsibilities and obligations to be undertaken by the individual to achieve self-sufficiency, including participation in approved work and work-related activities.

(ii) The term includes:

(A) The time frames within which each obligation is to be completed.

(B) The penalties for failure to comply.

(C) The services to be provided by the Department to support the individual's efforts.

Applicant—An individual who submits an application for cash assistance for himself or on behalf of another. The individual remains an applicant until a decision on eligibility or ineligibility is made.

Application—A signed form approved by the Department which contains the name and address of the applicant, unless the applicant is homeless, and is filed with the CAO. The applicant applying for himself or others shall sign and file the application for himself or through a representative authorized by guardianship or power of attorney. If an individual is unable to apply for himself, he may apply through an authorized representative or another person who has authority to act for him. An application will continue in effect until a decision on eligibility is made. The transfer of a budget group from GA to TANF is an application. The addition of a person who is not required to be a member of an existing budget group is an application.

Application interview—A face-to-face interview between an applicant and an eligibility worker which is scheduled within 13-calendar days after receipt of an application. The purpose of the application interview is to gather and record information and to secure verification needed to establish eligibility.

Authorization date of cash assistance—The date on which a decision of eligibility is made.

Inquiry—An inquiry differs from an application in that the person is seeking information only, and does not wish to file an application for cash assistance. When a person asks for cash assistance or some other service on behalf of a competent adult, the Department will consider the request an inquiry unless it is known that the person asking for cash assistance on behalf of another is doing so with the knowledge and consent of the latter.

Monthly assistance payment—The amount of money issued monthly that is based on the family size allowance plus, if applicable, a special need allowance, reduced by the net income of the budget group.

Reapplication—A completed, signed form approved by the Department which is filed with the CAO by a recipient and used for a complete redetermination of continued eligibility of a budget group.

Redetermination—A periodic review by a CAO worker of eligibility factors subject to change. If all factors subject to change are reviewed, the review is a complete redetermination, otherwise the review is a partial redetermination.

Screening interview—A face-to-face or telephone interview between the applicant and a CAO worker which includes a review of the filed application form to assure that information necessary to determine eligibility is provided on the form prior to determining a person ineligible or prior to scheduling an application interview.

CHAPTER 125. APPLICATION PROCESS

GENERAL PROVISIONS

§ 125.1. Policy.

(a) *General.* Application is made on an application form approved by the Department.

(b) *Identification.* At the application interview, an applicant shall present proof of identity using documents such as a Social Security Card, driver's license, selective

service card, voter registration card, a Departmental identification card or a work or school I.D. If documentary proof of identification is not readily available, the worker shall attempt to verify the applicant's identity through a collateral contact. Examples of acceptable collateral contacts include social service agencies, landlords, employers, neighbors and others who can be expected to provide accurate third-party verification.

(c) *Referral to the domestic relations section of the court.* To receive benefits for himself, an applicant applying on behalf of a child whose eligibility is based on deprivation due to absence of a parent from the home shall be referred to the domestic relations section or other applicable division of the court of common pleas unless the applicant is claiming good cause as specified in Chapter 187 (relating to support from relatives not living with the client). The caretaker relative may still apply for and receive benefits for eligible minor children without completing the referral process.

(d) *Signing of application form.* Requirements for signing of an application form are as follows:

(1) The applicant, regardless of age, shall sign prior to filing the form and again during the application interview.

(2) Persons applied for who are 18 years of age or older and emancipated minors 17 years of age or younger shall sign during the application interview or within 30-calendar days from the date of authorization.

(3) Failure to sign shall result in the ineligibility of the person required to sign the form.

(e) *Signing of authorization to release information form.* Under § 201.4 (relating to procedures), the applicant or the person who is the payment name, regardless of age, and individuals applied for or receiving cash assistance who are 18 years of age or older and emancipated minors 17 years of age or younger shall sign the form. Failure to sign shall result in ineligibility of the person required to sign the form.

(f) *Signing an agreement of mutual responsibility.* Each applicant for and recipient of cash assistance and other individuals who are required to sign an application for assistance shall sign an AMR, as defined in §§ 123.22 and 165.2 (relating to definitions; and definitions) that shall be signed and approved by the CAO.

(g) *Failure to sign or complete AMR.* An individual who is required to sign an application for assistance who fails, without good cause, to sign or cooperate in the completion of an AMR is ineligible for cash assistance until the individual completes and signs an application and approved AMR.

(h) *Failure to comply with AMR.*

(1) Failure of the individual to cooperate with child support requirements, without good cause, will result in the penalties described in § 141.21(e) (relating to policy).

(2) Willful failure to comply with RESET participation requirements, without good cause, will result in the penalties described in § 165.61 (relating to sanctions).

(3) Failure to comply with other aspects of the AMR, without good cause, will result in ineligibility for cash assistance until the individual complies.

(i) *Contents of AMR.* An individual's obligations set forth in the AMR include:

(1) Remain free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

(2) Participate in, maintain compliance with, and satisfactorily complete a drug and alcohol treatment program approved by the Department of Health or administered by an agency of the Federal government, or both.

(3) Provide timely and accurate information.

(4) Cooperate in establishing paternity and obtaining support as specified in § 187.23 (relating to requirements).

(5) Seek and participate in an educational program leading to a high school diploma or its equivalent, job training or work-related activities.

(6) Seek, accept and maintain employment.

(7) Accept referral to, participate in and continue to participate in an available work-related activity, if applicable, including work-related activities specified on the AMR.

(8) Accept referral to, work in and retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(9) Not reduce earnings without good cause.

(10) Obtain prenatal care, if applicable.

(11) Maintain the health and well being of the individual's children, including the following, if applicable:

(i) Ensuring that children attend school and pursue a high school diploma or its equivalent.

(ii) Ensuring that children receive immunizations, appropriate health screenings and necessary medical treatment, consistent with Nationally recognized standards.

(iii) Performing other appropriate activities based on an assessment of the education level, parenting skills and history of parenting activities and involvement of each parent who is applying for assistance.

(j) *Approved work and work-related activities.* The specific work and work-related activities approved for the individual are included on the AMR.

(k) *Notice.* A notice approved by the Department is sent to the applicant whenever a decision is made on the eligibility of the applicant or person for whom he is applying.

**CHAPTER 133. REDETERMINING ELIGIBILITY
REDETERMINING ELIGIBILITY PROVISIONS
FOR TANF/GA**

§ 133.23. Requirements.

(a) *Reapplication.* A reapplication or complete redetermination of eligibility shall conform with the following:

(1) *General requirements.* General requirements are as follows:

(i) A complete redetermination is a comprehensive review of eligibility factors which are subject to change, to determine continued eligibility of the budget group members. When eligibility for assistance is based on deprivation of support due to the absence of a parent, each caretaker, as provided in § 141.21(c) (relating to policy), with whom the child is living shall comply with the support requirements in § 187.23 (relating to requirements) as a condition of continued eligibility of the caretaker for cash assistance.

(ii) A reapplication form approved by the Department shall be completed in its entirety by the payment name at each reapplication interview.

(iii) The client, regardless of age, who is the payment name for the budget group shall complete and sign the reapplication form prior to or during the reapplication interview and provide the information necessary for the completion of the redetermination as a condition of continued eligibility for cash assistance. Recipients who are 18 years of age or older and emancipated minors 17 years of age or younger shall sign the reapplication form during the reapplication interview or within 15 working days of the interview date. Failure to sign shall result in ineligibility of the person required to sign the form.

(iv) The client shall consent to the disclosure of information by third parties to the CAO for the purpose of verifying the client's residence, citizenship, employment, applications for employment, income and resources as a condition of the client's continued eligibility for assistance under verification procedures in § 201.4 (relating to procedures).

(v) A complete redetermination is required as often as appropriate to the individual budget but at least as frequently as the following:

(A) Every 6 months for TANF budgets not required to report monthly.

(B) Every 12 months for TANF budgets required to monthly report.

(C) Every 12 months for GA budgets.

(vi) The worker and the recipient or other individual will review and assess the progress in achieving self-sufficiency, including compliance with the responsibilities and obligations contained in the existing AMR. As necessary, the AMR will be modified.

(vii) A recipient or other individual who signs a new or modified AMR that is approved by the Department will comply with the obligations and responsibilities including approved work and work-related activities specified on the AMR in accordance with § 125.1(i) (relating to policy).

(viii) A recipient or other individual who fails or refuses, without good cause, to sign or cooperate in the completion of an AMR or who fails, without good cause, to comply with the AMR shall be subject to the penalties described in § 125.1(g) and (h).

(2) *Items subject to review.* A redetermination shall conform with the following:

(i) Within the established limits, the decision on how often to redetermine eligibility will vary with a budget depending upon the possibility of change in eligibility.

(ii) In the redetermination of eligibility, the worker shall make a finding as to whether the client who is the payment name wants assistance to continue, what plans the client may have or be developing for self-support or self-care and when the plans may mature. This redetermination shall include at least one interview with the person who is the payment name for the budget group. If the client wants assistance continued, the worker shall redetermine those eligibility factors which are subject to change. The redetermination shall include a review of the need and resource items and verification of items subject to change:

(A) Household and family composition.

(B) Income, earned and nonearned, including income-in-kind.

(C) Income expense deductions.

(D) Assets.

(E) Special need items.

(F) Employability status.

(G) Activity in seeking work or training.

(H) Employment and training program participation status.

(I) Prior applications for Social Security numbers if not yet reported to the CAO.

(J) Plans for the continuing care of a TANF child who is temporarily not residing with a specified relative.

(K) Income of individuals residing with the budget group, income of an LRR residing elsewhere and income of sponsors of aliens as determined under §§ 183.34, 183.35 and 183.91—183.93, if applicable.

(L) Criteria that establish GA categorical eligibility.

(3) *Verification.* Requirements for reapplication are as follows:

(i) For TANF and GA budget groups, verification of the items of need and resources in paragraph (2) is required at the time of reapplication. The maximum time lapse for the client to provide needed verification is 15 working days following the reapplication interview, except for verification of incapacity or disability. Verification of incapacity or disability shall be provided within 30-calendar days following the reapplication interview. If the client is cooperating in the verification attempt and the delay in securing the information is due to a third party, assistance will continue until documentation is secured. Cooperation and progress on securing the documentation shall be reassessed every 30-calendar days. As a condition of eligibility for assistance, the recipient shall give consent to the CAO worker to contact third parties to secure verification of the eligibility factors in paragraph (1)(iv). Except in cases of suspected fraud, the CAO worker shall attempt to notify the client prior to contacting a collateral source for the purpose of verifying information about the client under verification procedures in § 201.4.

(ii) Verification of the individual client's accumulated personal property, including exempt property, as set forth in § 177.21 (relating to personal property), is required at reapplication. The current value of nonexempted personal property, as set forth in § 177.24(1) (relating to determining value of resources), shall be verified at each reapplication.

(iii) Those factors of eligibility already verified and not likely to change, such as birthdate, may not be reviewed unless there is something to indicate that a change may take place or has taken place. Social service needs and plans shall be reevaluated. The worker shall discuss with the client plans for the next interview and the client's responsibility to report changes.

(b) *Partial redetermination.* Partial redetermination procedures are as follows:

(1) A partial redetermination is a review that focuses on specific eligibility factors and need and resource items. A partial redetermination is required as frequently as indicated by the budget group circumstances, and is always conducted if previously unreported income is first discovered by a quarterly wage match. When the partial redetermination focuses on address changes or a change in income or resources, a face-to-face interview is not required if, in the judgment of the worker, the credibility and reliability of the client are such that the client's statements may be accepted. In these instances, the redetermination may be made by telephone or correspon-

dence. If the redetermination is made by telephone or correspondence, verification shall be submitted subsequently by the client.

(2) A partial redetermination for budget groups in which there is an employable person shall focus on employment, employment efforts, income and resources. A partial redetermination relating to employment and employment efforts requires a personal interview which can be conducted by telephone. A face-to-face interview is not required.

(3) However, when the partial redetermination involves a loss or decrease in income in which a monthly assistance payment increase is requested or indicated, verification of the change in income is required. If verification is not available immediately, the monthly assistance payment may be increased without verification only if facts presented by the payment name are consistent and reasonable and a definite plan is made to obtain the needed verification. A monthly assistance payment increase without verification of the change in income is made only with the approval of a supervisor. The maximum lapse of time to obtain the verification is no more than 15 working days following the effective date of the monthly assistance payment increase.

(4) In addition to the provisions of this section, action will be taken promptly, but within 10-calendar days, in all cases to review pertinent eligibility factors if one of the following occurs:

(i) The client or someone on his behalf reports changes in circumstances to the agency or requests a special need allowance.

(ii) The agency learns of changes from a responsible source or the worker himself knows a change was anticipated.

(iii) Changes in the regulations of the Department make a redetermination necessary.

(iv) The payment name or someone on his behalf requests the addition of a mandatory budget group member, other than a newborn child, to the budget group. The payment name shall complete and sign a form approved by the Department and provide information only on the individual being added and on changes, financial or nonfinancial, in the budget group's circumstances. The added member, other than a newborn child, shall comply with § 201.4(a)(2)(ii).

(v) The addition of a newborn child to an open budget group as follows:

(A) Cash assistance benefits for a newborn child whose caretaker/relative is an open budget group will be authorized effective with the date of birth based solely on the notification of birth if notification occurs during the grace period. The grace period begins with the date of the child's birth and ends on the first day of the second month following the month of the child's birth or the mother's release from the hospital, whichever is later. Notification of birth includes an oral or written statement, by the caretaker/relative or a representative, made to the CAO, that the child has been born, or receipt by the CAO of the MA newborn eligibility form for the child.

(B) The CAO shall follow the common application system procedures when adding a newborn child to a cash budget group. The caretaker/relative shall file an updated common application form regarding the child and comply with necessary eligibility factors related to the child's eligibility by the end of the grace period. If the caretaker/relative fails to meet the deadline date to file the form

and comply with the necessary eligibility factors related to the child's eligibility, benefits will be terminated with an advance notice.

(C) If the CAO has not been notified of the newborn child's birth by the end of the grace period, benefits for the child will be authorized effective with the date that the child is determined to be eligible, but no later than 15-calendar days after a common application form has been filed and a partial redetermination completed.

(D) Underpayments caused by administrative errors concerning newborn children's eligibility will be corrected in accordance with § 227.24(d)(1)(ii)(A)(IV) (relating to procedures).

(c) *Redetermination contacts.* Redetermination contacts with the client may be in the home or in the office, depending on the preference of the client. Office and home visits shall be scheduled with the client. It may not always be possible to plan a visit so that home visits to the client without notice may be occasionally necessary; for example, when substantiating information is required and urgent to determine the continued eligibility of the client. Home visits shall always be made in accord with the principle of the Department respecting the right of the client to privacy and personal dignity as set forth in § 121.1 (relating to policy).

(d) *Controls for redeterminations.* To carry out the function of redetermining eligibility, a central control of necessary future actions is maintained to provide a method whereby reasonably predictable changes in the total caseload can be acted on within appropriate time limits.

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS

Subchapter A. THE CATEGORICALLY NEEDY HEALTHY BEGINNINGS PROGRAM FOR PREGNANT WOMEN AND QUALIFIED CHILDREN

TYPES OF INCOME NOT COUNTED

§ 140.41. Educational loans, grants and work-study income.

The following do not count as income:

- (1) Educational assistance in the form of loans, grants and scholarships.
- (2) Work-study income.

EARNED INCOME COUNTED

§ 140.53. (Reserved).

UNEARNED INCOME COUNTED

§ 140.65. (Reserved).

INCOME DEDUCTIONS

§ 140.81. Deductions from earned income.

Each employed individual in the Healthy Beginnings family whose income is used to determine the eligibility of the budget group is entitled to the following deductions from earned income, in the following order:

- (1) *Work expenses.* The first \$90 per month from the earned income of each individual who is employed if the employed individual or family member is not eligible to receive an earned income incentive deduction as described in paragraph (2) or if the \$90 per month deduction is more advantageous to the applicant or recipient group.

(2) *Earned income incentive deductions.*

(i) Each employed individual in the applicant or recipient group or family member is eligible to receive an earned income incentive deduction if one of the following exists:

(A) The employed individual is a recipient of Healthy Beginnings.

(B) The employed individual has been a recipient of cash assistance, NMP-MA or MNO-MA in a TANF-related category in 1 of the 4 calendar months before the date of the application for Healthy Beginnings.

(C) The employed individual has been a recipient of NMP-MA or MNO-MA in a GA-related category with a child who was simultaneously a recipient of MA in a TANF-related category in 1 of the 4 calendar months before the date of the application for Healthy Beginnings.

(ii) Each employed individual in the applicant or recipient group, including a family member who meets one of the requirements in subparagraph (i), is eligible to receive a continuous 50% earned income incentive deduction or the first \$90 per month work expense deduction from earned income and a \$30 plus 1/3 remainder earned income incentive deduction per requirements in subparagraph (iii), whichever is most advantageous to the applicant or recipient group.

(iii) The application of the \$30 plus 1/3 remainder earned income incentive deduction is treated as follows:

(A) The employed applicant or recipient or family member is eligible to receive the \$30 plus 1/3 remainder earned income incentive deduction for 4 consecutive months if:

(I) Twelve consecutive months have elapsed since the employed applicant or recipient has been a recipient of Healthy Beginnings or the income of the individual has not been considered when determining the eligibility of the Healthy Beginnings recipient. The count of months begins with the first month following the month of termination for Healthy Beginnings regardless of whether the employed applicant or recipient received the entire 8 consecutive months of the \$30 income incentive deduction described in clause (B).

(II) An applicant or recipient whose receipt of 4 consecutive months of the work incentive is interrupted due to loss of income or a decrease in income. The applicant or recipient is eligible for a new 4 consecutive month period.

(B) Each employed person in the applicant/recipient group who received 4 months of the \$30 plus 1/3 income incentive deduction is eligible for an income deduction of \$30 per month during the next 8 consecutive months. The application of the \$30 incentive is treated as follows:

(I) The applicant/recipient is entitled to the \$30 income incentive deduction during any month of the 8-month period for which the income of the applicant/recipient is sufficient to qualify.

(II) The 8 months of eligibility for the \$30 income incentive deduction begins with the month following the end of the 4 consecutive calendar months of the \$30 and 1/3 income incentive deduction.

(III) The 8 months of eligibility are counted consecutively, whether or not Healthy Beginnings is interrupted or income is sufficient to qualify for it.

(3) *Dependent care expenses.* The actual work-related cost of care of dependent or incapacitated persons living

in the home of the applicant/recipient or family member, if no other sound plan can be made for their care, up to a maximum of:

(i) One hundred seventy-five dollars per month per child 2 years of age or older or incapacitated person when the applicant/recipient or family member is employed full-time.

(ii) One hundred fifty dollars per month per child 2 years of age or older or incapacitated person when the applicant/recipient or family member is employed part-time.

(iii) Two hundred dollars per month per child under age 2 regardless of whether the applicant/recipient or family member is employed full-time or part-time.

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

GENERAL PROVISIONS

§ 141.1. Policy.

(a) *Types of assistance available.* A person in this Commonwealth who is in need may be eligible for one of the following kinds of cash assistance. However, a person may not receive concurrently more than one of the four following categories of cash assistance:

- (1) TANF in one of its several forms.
- (2) GA.
- (3) SBP.
- (4) SSI.

(b) *Type of assistance provided.* An individual may also be eligible for MA to cover health care costs. An individual may be eligible for MA in addition to one of the cash assistance programs in subsection (a), or an individual may be ineligible for cash assistance but eligible for MA. This subpart contains the eligibility requirements and procedures for TANF and GA cash assistance and MA. Policies and procedures governing SBP and SSI are contained in Chapters 297 and 451 (relating to Supplemental Security Income Program; and State Blind Pension). An individual who meets the eligibility requirements of a particular type of assistance receives that type of assistance, except in the following circumstances:

(1) If the person meets the eligibility requirements for GA, but is included in a TANF grant group as set forth in § 171.21(b) (relating to policy).

(2) If the person is a blind person as defined in Chapter 451 but chooses to apply for a type of assistance other than SBP.

(3) If a person meets the eligibility requirements of SBP as well as any other type of assistance, the person receives SBP, if he chooses to apply for SBP.

(4) If a person qualifies as a specified relative as defined in § 151.42 (relating to definitions) of a child who would be eligible for TANF but who is receiving SSI, the person cannot receive GA. The person must receive TANF or SBP.

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

* * * * *

(e) Failure to cooperate in establishing paternity or obtaining support, as specified in § 187.23 (relating to requirements), without good cause, will result in the reduction of the cash assistance allowance by 25%.

* * * * *

(s) An applicant or recipient who has been convicted of violating section 481(a) of the Public Welfare Code (62 P. S. § 481(a)), that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any individual in securing GA, TANF, MA or Federal Food Stamps by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either before or at the time of, or subsequent to the application for assistance is ineligible for cash assistance as follows:

- (1) For 6 months from the date of first conviction.
- (2) For 12 months from the date of second conviction.
- (3) Permanently from the date of a third conviction.

(t) An applicant or recipient is ineligible for assistance if the individual is fleeing to avoid prosecution, or custody or confinement following conviction for a felony, or as felonies are classified in the State of New Jersey, a high misdemeanor.

(u) Cash assistance payments will not be made to an individual for 10 years from the date of conviction, in a Federal or State court, of fraudulent misrepresentation of residence to receive TANF, GA, MA, Food Stamps or SSI in two or more states.

ELIGIBILITY PROVISIONS FOR TANF

§ 141.41. Policy.

(a) *Conditions of eligibility.* To receive TANF, the applicant or recipient shall meet appropriate eligibility conditions and follow the procedures in this title. The specific eligibility conditions for TANF are in this part or specified in this chapter:

- (1) Chapter 145 (relating to age).
- (2) Chapter 147 (relating to residence).
- (3) Chapter 149 (relating to citizenship and alienage).
- (4) Chapter 151 (relating to specified relatives).
- (5) Chapter 153 (relating to deprivation of support or care).
- (6) Chapter 161 (relating to persons in institutions).
- (7) Chapter 163 (relating to guardians and trustees).
- (8) Chapter 165 (relating to Employment and Training Program).
- (9) Chapter 177 (relating to resources).
- (10) Chapters 125 and 127 (relating to application process; and reserved).
- (11) Chapter 255 (relating to restitution).
- (12) Chapter 257 (relating to reimbursement).

(b) *Social Security number required.* A Social Security number is required for family members for whom assistance is to be granted or is being received. If a Social Security number is needed and no application has been made, it is the responsibility of the CAO to complete and submit the SSA5 application form.

(c) *Strikers.* Requirements relating to persons on strike are as follows:

- (1) An applicant who is on strike on the last day of the calendar month preceding the month of application is ineligible for assistance as follows:
 - (i) If the person on strike is the natural or adoptive parent, assistance is denied to the entire assistance unit during the period of the strike, regardless of whether the parent is included in the application for assistance.

- (ii) If the person on strike is not the natural or adoptive parent, assistance is denied to that individual only during the period of the strike. If the person on strike is the only dependent child, the assistance unit is ineligible for AFDC.

(2) A recipient who is on strike on the last day of the calendar month for which payment has been made to the assistance unit is ineligible for assistance as follows:

- (i) If the person on strike is a natural or adoptive parent, regardless of whether the parent is included in the assistance grant, the grant is recovered since the assistance unit is ineligible for AFDC assistance for that month and subsequent months when the caretaker relative is participating in the strike.

- (ii) If another individual, who is not a natural or adoptive parent is participating in a strike, that individual's needs are not used for determining the grant group's need for assistance for that month and shall be recovered. The individual is not eligible for TANF assistance in subsequent months when the individual is participating in the strike. If the individual is the only dependent child of the family, the entire grant is recovered as the family is ineligible for TANF assistance for that month and subsequent months when the individual is participating in the strike.

- (iii) Assistance shall be terminated for the first payment month whose deadline can be met if it is anticipated that the strike will continue through the last day of the next calendar month. If the strike ends during a month in which assistance was not received due to participation in the strike the corrective payment provision of § 175.23(b)(l)(v) (relating to requirements) shall be applied.

(d) *Time limits.* An eligible family may receive TANF assistance for a maximum of 60 months subject to the following conditions and exceptions:

- (1) A family is ineligible for TANF assistance if it includes an adult head of household or spouse of head of household who has received 60 months of TANF assistance.

- (2) Under this subsection, a family does not include a specified relative who is not included in the TANF mandatory filing unit as specified in § 171.21 (relating to policy) and is seeking TANF assistance only for the minor child.

- (3) TANF assistance received as a minor child does not count towards the 60-month limit except TANF received as a minor child head of household or as a minor child married to the head of household.

- (4) Periods during which TANF assistance is received need not be consecutive to count towards the 60-month limit.

- (5) Nothing in this subsection precludes the Department from providing TANF assistance to a family which does not count towards or may extend beyond the 60-month time limit.

- (6) The following are not considered TANF "assistance received" in calculating an individual's 60 months of TANF eligibility:

- (i) A period of zero cash issuance.
- (ii) Assistance which has been fully reimbursed.
- (iii) Assistance repaid due to collection of an overpayment.
- (iv) Benefits issued but not received by the individual and the benefits are not replaced.

(v) A period when an individual or budget group is under sanction and, as a result, no assistance benefits are issued.

(vi) An emergency shelter allowance (ESA) payment.

(vii) A period of interim benefits received under § 275.4(d) (relating to procedures) when a final decision has not been handed down by the Bureau of Hearings and Appeals within the appropriate time limit and the budget group's appeal is eventually denied.

(7) Nothing in this subsection will be interpreted as requiring the Department to provide or continue to provide TANF assistance which does not count toward or may extend beyond the 60-month limit.

(8) Time-out benefits provided under Chapter 281 (relating to time-out benefits) are not counted towards the 60-month time limit.

§ 141.42. Definitions.

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

Adult-supervised supportive living arrangement—A private family setting providing a supportive and supervised living arrangement or other living arrangement, including a private institution, such as a maternity home or a second-chance home, in accordance with § 161.23 (relating to requirements), that:

(i) If subject to approval, is approved in one of two ways:

(A) If a private family setting, the living arrangement has been evaluated and approved by the CAO as conducive to providing a supportive and supervised living arrangement for the minor parent.

(B) If a private institutional setting, the institution is subject to approval by a State agency for health, safety or licensing requirements.

(ii) Is maintained as a supportive family setting and supervised living arrangement as evidenced by:

(A) The assumption of responsibility for the care and control of the minor parent and dependent child by a nonrelated adult 21 years of age or older.

(B) In addition to food and shelter, the provision of supportive services, such as counseling, guidance or education including parenting skills, child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of the minor parent and dependent child.

Budget group—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs are considered together in determining eligibility for cash assistance under one category of assistance.

Cash assistance allowance—The monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a) (relating to requirements).

Family—Except as provided in § 141.41(d)(2) (relating to policy), a minor child and his parent or specified relative, as defined in § 151.42 (relating to definitions), with whom the child lives.

Minor child—An individual who is under 18 years of age, or who is under 19 years of age and who is a full-time student in a secondary school—or in the equivalent level of vocational or technical training.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent or is pregnant.

Strike—Includes any strike or other concerted stoppage of work by employees—including a stoppage by reason of the expiration of a collective-bargaining agreement—and a concerted slow down or other concerted interruption of operations by employees. See section 501 of the Labor Management Relations Act (29 U.S.C.A. § 142(2)).

(i) Participating in a strike includes failing to report for duty, the willful absence from one's position, the stoppage of work, slow down or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

(ii) Willful absence includes absences from one's position unless good cause exists.

(iii) Good cause exists when personal injury or damage to property or applicant's/recipient's life is threatened. Good cause may be corroborated by court, medical, criminal, psychological or law enforcement records. These corroborating records shall specifically relate to the injury or damage which is asserted as good cause. The applicant or recipient has the burden of proving the existence of his good cause claim and shall provide the corroborative evidence required to support the claim prior to approval for assistance benefits.

ELIGIBILITY PROVISIONS FOR GA

§ 141.61. Policy.

(a) *Conditions of eligibility.* The following relates to eligibility for GA:

(1) An individual is eligible for GA under the requirements established in subsection (d) and if the appropriate eligibility conditions in the following chapters are met:

* * * * *

ELIGIBILITY PROVISIONS FOR MA FOR THE CATEGORICALLY NEEDY

§ 141.71. Policy.

(a) *Conditions of eligibility.* To be eligible for MA, the individual shall meet the appropriate conditions of eligibility in the following chapters:

* * * * *

(10) Chapter 151 (relating to specified relatives).

(b) *Nonmoney payment recipients.* Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396q) provides that the benefits of the MA program available to money payment recipients shall be available to the following individuals described in paragraphs (1)—(6).

* * * * *

(6) Applicants or recipients who would be eligible for cash assistance but for the elimination of the \$30 plus 1/3 remainder of the earned income incentive deduction for 4-consecutive months or the \$90 work expense deduction, or both, in accordance with § 181.311(2)(ii) (relating to deductions from earned income for the TANF categories of NMP-MA).

(7) The individuals described in paragraphs (1)—(6) will be designated as categorically needy—nonmoney payment recipients (NMP, Category Symbol P).

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**CHAPTER 145. AGE
AGE PROVISIONS FOR TANF**

§ 145.43. Requirements.

(a) *General.* The following are the general TANF age requirements:

(1) The child shall conform with one of the following age requirements:

- (i) Be under 18 years of age.
- (ii) Be under 18 years of age or under 19 years of age and a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(b) *Attending school or training.* The following will constitute TANF age requirements for youths attending school or training:

(1) The youth under 19 years of age will be considered to have met the requirement of attending secondary school or an equivalent course of vocational training full time, if the youth is carrying a program of supervised education or vocational training approved by the authorities of the school district or by the Department of Education. The program may be part of the regular school program, or one especially arranged for the individual youth's educational or vocational needs and approved by the school authorities. A vocational training course may be under section 2508.3 of the School Code BVR (5813.3), in a program under the Economic Opportunity Act, or in an organized training program under recognized sponsorship with a specified vocational training objective (for example, apprenticeships or training arrangements sponsored by business or industrial firms).

(2) Full-time attendance will not be deemed interrupted when the youth is temporarily absent for reasons accepted under the laws of the State on compulsory school attendance, or for reasons accepted under the regulations of the secondary school or vocational training program in which the youth is enrolled.

(3) TANF payment will be made for the following:

(i) The months in which the youth is not in secondary school or training because of official vacations, provided that the youth will again attend full-time secondary school, or an equivalent vocational or technical school, when the official vacation is over.

(ii) The month the youth completes or discontinues secondary school or equivalent vocational or technical school before reaching 19 years of age.

(4) The date the secondary school or equivalent vocational or technical school records show the youth ended full-time status as a student or trainee will be the date of completion or discontinuance of secondary school or an equivalent vocational or technical school.

CHAPTER 151. SPECIFIED RELATIVES

SPECIFIED RELATIVES PROVISIONS FOR TANF

§ 151.42. Definitions.

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

Adult—An individual who is 19 years of age or older or who is 18 years of age and not a full-time student in a secondary school or in the equivalent level of vocational or technical training.

Specified relative—An adult or a minor parent who is exempt, under § 141.21(q) (relating to policy), from the requirements to live with an adult and who conforms with the following:

(i) Is exercising responsibility for the care and control of the child. This means actually participating in making plans for the support, education and maintenance of the child and supervising carrying out the plans, and making the application for assistance on behalf of the child. The finding that a relative is exercising care and control of the child shall be made whether the relative is the parent or other relative of the child.

(ii) Is maintaining a home where the child lives with him, or is in the process of setting up a home where the child will go to live with him within 30 days after he receives the first TANF payment.

(iii) Is related to the child as follows:

(A) A blood relative who is within the fifth degree of kinship to the dependent child, including a first cousin once removed. Second cousins and more remote cousins are not within the fifth degree of kinship. A first cousin once removed is the child of one's first cousin or the first cousin of one's parent. The fifth degree of kinship includes great-great grandparents and great-great-great grandparents. The fifth degree of kinship also includes other relationships prefixed by great, great-great, grand or great-grand. Blood relatives include those of half-blood.

(B) A parent by legal adoption and any of the adopting parent's blood or adoptive relatives as described in clause (A).

(C) Stepfather, stepmother, stepbrother and stepsister.

(D) A spouse of a person named in this subparagraph, even though the marriage is terminated by death, separation or divorce.

§ 151.43. Requirements.

(a) *Eligibility for TANF.* When a child is living with a relative who is exercising responsibility for the care and control of the child, eligibility for TANF will not be affected by the following situations:

(1) The child is under the jurisdiction of the court (for example, is receiving probation services or protective supervision).

(2) Someone other than the relative (for example, a person, or public or voluntary agency, holds legal custody of the child).

(b) *Persons 15 years of age or younger.* A person 15 years of age or younger, living in the home of his specified relative, will not normally be considered to be capable of exercising responsibility for the care and control of the child unless that person can clearly show that capability. The capability may be shown by a statement provided by the specified relative in whose home the applicant or recipient is living, that the applicant or recipient is in fact exercising the care and control. In the absence of a statement, a factual determination of who is exercising care and control will be made. If a specified relative is exercising responsibility for the care and control of the child, then regardless of the age of the specified relative, he may apply for assistance (TANF) for himself or his child, or both, as well as be the payment name for a grant for himself and his child.

(c) *Different specified relatives within a shelter group.* If, within a shelter group, different specified relatives are exercising responsibility for care and control of different groups of children eligible for TANF, each relative will be

considered to be maintaining a home for the children on whose behalf he applies for or receives assistance if the following conditions are met:

(1) The specified relatives of different groups of children are not spouses of each other.

(2) No one of the specified relatives is the parent of all the children in the shelter group for whom TANF is to be authorized.

(d) *Temporary absence of the child or relative.* The temporary absence of either the child or the relative from his home will not affect the eligibility of the child for TANF under the following circumstances:

(1) The absence of the child is not more than or expected to be more than 180 consecutive days. A specified relative shall report the absence of a minor child by the end of the 5-day period that begins with the date that it becomes clear to the specified relative that the minor child will be absent beyond the consecutive 180-day period. A specified relative who fails to report within 5 days of the time it becomes clear to the specified relative that a minor child will be absent beyond the consecutive 180-day period will be ineligible for assistance for 30 days.

(2) The absence does not basically affect the responsibility of the relative for the care and control of the child. However, if the child is living in a school to which the relative has had to turn over control of the child, the relative will not be eligible for TANF.

(3) The relative will exercise this responsibility when the reason for the temporary separation no longer exists. For example, a child is temporarily living away from home because the best plan for the child's education through the first 12 grades, undergraduate college or for vocational training requires it. During the period of separation, the county staff shall decide whether or not the child is still in need or whether the child's needs are being met: if the child is in need, the grant will be computed as though the child were living in the home of the specified relative.

(e) *Temporary exception to living with specified relatives.* The requirements for a temporary exception to living with specified relatives are as follows:

(1) During a temporary period of crisis or change in a child's life, that is, when an emergency deprives the child of care by a specified relative, and plans for the future care and protection of the child cannot be made immediately, the child may be living with a person other than a specified relative. In these cases, the child shall be eligible only if the person the child is living with is acting in the behalf of the child, the child was receiving TANF when the crisis occurred and active planning is going on for the continuing care of the child.

(2) TANF is granted during this temporary period so that plans for the continuing care of the child can be made and carried out, for example, so that the child can be referred to another agency and be accepted by them for care. When the plans for the child have been made and carried out, the temporary TANF payments will end. The plans shall be reviewed at a redetermination.

(f) *Pregnant women.* A pregnant woman with no children or with children who are not receiving TANF may qualify for TANF for herself only as a specified relative if all of the following apply:

(1) The pregnancy and the expected delivery date are established by a physician, clinic or other medical source.

(2) The fetus, if born, would be eligible for TANF based on the criteria in § 153.43 (relating to TANF deprivation of support or care requirements).

CHAPTER 153. DEPRIVATION OF SUPPORT OR CARE

DEPRIVATION OF SUPPORT OR CARE PROVISIONS FOR TANF

§ 153.42. Definitions.

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

Cash assistance allowance—The monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a) (relating to requirements).

Deprived child—One who lacks the support, care or guidance of one parent or both. This means that the child does not have the maintenance, physical care or guidance that one parent or both would ordinarily be expected to provide, or that these have been interrupted.

Uniformed service—The Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service of the United States.

§ 153.43. TANF deprivation of support or care requirements.

(a) *General.* If a child is living with both of his natural parents, the incapacity of either parent is the eligibility factor for TANF. If a child has been legally adopted, it is the lack of the support or care of the adoptive parent, and not of the natural parent, that is the eligibility factor for TANF. If a child is living with a parent and a stepparent, lack of support or care by the natural parent is the eligibility factor for TANF. Deprivation of support is not considered to exist in situations where the mother and the putative father of a child born out-of-wedlock are living together with the child and paternity has been established. For public assistance purposes, this is an intact family. The CAO documents a putative father's claim of paternity for a child born out-of-wedlock who was born within this Commonwealth on an *Acknowledgement of Paternity Form* under § 153.44(e)(1) (relating to procedures). When the putative father claims paternity of a child who was born out-of-State, the CAO refers the putative father to the domestic relations section to file a domestic relations section *Voluntary Statement of Paternity Form* in accord with § 153.44(e)(2). When the putative father living with the child denies paternity, TANF may be established based on the absence of the child's legal parent if all other eligibility requirements are met. A child is considered deprived of parental support or care if at least one parent is one of the following:

(b) *Requirements relating to absence from the home.* Continued absence from the home refers to desertion by a parent, legal, or other separation between the parents, and certain other circumstances of absence enumerated in § 153.44. It also describes the situation when a parent of a child born out-of-wedlock is not with the child.

(c) *Requirements relating to physical or mental incapacity.* Physical or mental incapacity exists when either one of the parents living with the child has a physical or mental defect, illness or impairment which substantially reduces or eliminates the ability of the parent to support or care for the child. The incapacity shall be proved.

(d) *Unemployment of the parent.* The lack of parental support or care for the child because of unemployment refers to the employment status of the parent who is the principal wage earner. The unemployment of the principal wage earner parent, as specified in § 153.44(d), will establish the TANF category for the needy child regardless of the extent to which the other parent is employed.

§ 153.44. Procedures.

(a) *Absence from the home.* The following procedures relate to absence from the home:

(1) "Continued absence" will be considered to exist whenever the parent is a convicted offender permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday.

(2) When the eligibility of a child for TANF is based on deprivation due to "continued absence," the Application for Support Services form will be completed at the time assistance is authorized for the child and forwarded to the Bureau of Claim Settlement Child Support Liaison Agent assigned to the CAO for processing as specified in paragraph (1).

(3) There must be proof that a parent is absent from the home and there must be evidence that the absence of the parent deprives the child of, or interrupts the child's receiving support, care or guidance.

(4) If it is verified that a parent is absent for one of the reasons listed in paragraph (6), the absence will be considered to interfere with the child's receiving support, care or guidance from the parent. No further evidence on this point will be necessary.

(5) Proof of the circumstances in the subparagraphs of this paragraph consists of the statement of the applicant or recipient supported by other valid evidence. Examples of acceptable evidence are divorce decrees; court orders; official court statements; and official letters from the penal institution or other institution, hospital, and the like. Acceptable evidence of marital separation consists of documentation that husband and wife live at different addresses due to marital discord. Circumstances which establish absence are:

- (i) Divorce.
- (ii) Pending divorce.
- (iii) Desertion.
- (iv) Marital separation.
- (v) Hospitalization.

(vi) Imprisonment, including a person who is a convicted offender permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday. A person so sentenced is not considered part of the assistance unit and is not eligible to receive assistance.

- (vii) Other institutionalization.

(6) Whenever the CAO finds that a parent is absent from the home, and not for one of the specific reasons listed in paragraph (5), for purposes of eligibility for TANF there must be evidence that temporarily or permanently the parent is not taking responsibility for the support, care or guidance of the child.

(7) Deprivation due to absence does not exist if the absence of the parent from the home is due solely to the parent's performance of active duty in a uniformed service. Deprivation due to absence may be established only

if there is evidence that absence for one of the specific reasons listed in paragraph (6) exists.

(8) If pieces of evidence in a case show conflicting information, the county staff will decide which is most reliable; and the decision and the reason for it will be recorded.

(9) Whenever a person applies for assistance on behalf of a child living with him and either or both parents are absent from the home, the CAO shall assure itself that the absent parent or parents have the opportunity to participate in planning for the child unless circumstances make it inadvisable or impossible. If the person applying indicates that the absent parent or parents are not interested in taking part in planning for the child or that it would be inadvisable or impossible for the parent to do so, the CAO will require the person applying to produce some evidence of this fact.

(10) For requirements relating to establishing paternity and securing support from a putative father or from parents who are absent from the home, see Chapter 187 (relating to support from relatives not living with the client).

(b) *Locating absent parents.* Procedures are as follows:

(1) Regardless of their living arrangements, parents are legally responsible for the care and support of their dependent children. Absent parents therefore represent possible economic and social resources that must be explored.

(2) When a parent is absent from the home, the first step in exploring the resource that the parent represents to the TANF child or children will be to locate the parent. The purposes of location are to reunite the family when feasible, and to obtain support so far as possible.

(i) *Referral to county domestic relations section (DRS) for support services.* Referral to the DRS will occur under the following circumstances:

(A) If the eligibility of a child for TANF is based on deprivation due to absence of a parent from the home, each applicant or recipient caretaker relative with whom the child is living will be referred, before authorization, to the DRS as specified in § 187.23(d) (relating to requirements).

(B) As a condition of continued eligibility, the caretaker/relative will be required to comply with cooperation requirements by appearing at the DRS support interview and providing all verbal or written information known or possessed by him relevant to the identification and location of the absent parent as set forth in § 141.21 (relating to policy). If the caretaker/relative disagrees with a determination made by the DRS support official, with regard to cooperation requirements, he does have a right to appeal and have a fair hearing.

(C) If the applicant or recipient fails to comply with cooperation requirements without good cause, a notice will be provided notifying the individual of a reduction in the cash assistance allowance by 25% effective 10 days from the date of the notice. At the expiration of the 10-day period, the CAO will impose the cash assistance allowance reduction unless a timely appeal is filed by a recipient.

* * * * *

(c) *Procedures relating to determining incapacity or impairment.* The following procedures relate to the determination of incapacity or impairment:

(1) *Incapacity.* The incapacity must be proved. If the necessary data is not already available in the case record or from the parent, the CAO will provide help, if requested, to get the necessary verification. If the services of a competent authority are not available without cost, the CAO will authorize a medical examination. If capacity of either parent cannot be determined from the available information, the CAO will make a preliminary decision regarding the incapacity. If the decision is that a parent appears to be incapacitated, and if the grant group meets the other TANF eligibility requirements, the CAO will authorize TANF presumptively as provided in Chapter 227 (relating to central office disbursement). When there is a question of incapacity, the individual shall cooperate with the CAO in providing verification of incapacity as a condition of eligibility for the family. To prove incapacity, an impairment expected to last at least 30 days shall be verified by competent medical information, such as the following:

* * * * *

(d) *Procedures relating to the unemployed principal wage earner parent.* The following procedures relate to an unemployed parent determined to be the principal wage earner:

(1) *General.* The following is a general statement relating to the principal wage earner parent:

(i) The principal wage earner is an employable parent in a home in which both parents of a dependent child reside, who earned the greater amount of income in the 24-month period immediately preceding the month in which application for assistance is made. If both parents earned an identical amount of income in the 24-month period, the principal wage earner is that parent who earned the greater amount of income in the last 6 months of the 24-month period. If both parents earned an identical amount of income in the 6-month period, either parent may be designated the principal wage earner. The principal wage earner parent shall meet the conditions in this subparagraph on the effective date of the initial authorization for TANF. The conditions are as follows:

(A) The principal wage earner parent has had a work record. Reference should be made to paragraph (2).

(B) The principal wage earner parent has not without good cause refused a bona fide offer of employment or training within the period of unemployment.

(C) The principal wage earner parent does not refuse to apply for or accept unemployment compensation which the parent is qualified to receive under an unemployment compensation law of a state or of the United States.

(D) A nonexempt parent shall participate in the RESET as provided in Chapter 165 (relating to road to economic self-sufficiency through employment and training (RESET) program).

(E) The principal wage earner parent is not a participant in a strike.

(ii) Unemployment is defined as: having no work, having work in which the net income, after allowable deductions under §§ 183.94 and 183.98 (relating to eligibility for TANF earned income deductions; and unearned income and lump sum income deductions) is less than the family size allowance for the budget group, as defined in § 168.2 (relating to definitions) or having "on-the-job" training in a project that is approved or recommended by the JS or RESET.

(iii) If a principal wage earner parent has refused an offer of employment or training for employment, the

following factors are considered in deciding whether the offer was bona fide or whether there was good cause to refuse it: the capacity of the parent to do the type of work required; the travel distance, and transportation available; the fact of a definite offer of employment at wages meeting applicable minimum wage requirements and which are customary for work in the community; working conditions, such as risks to health, safety or lack of workers' compensation protection. If the offer of employment was made directly to the parent through JS or through a manpower agency, the determination as to whether the offer was bona fide or whether there was good cause to refuse it is made by JS or the manpower agency. This determination is binding on the CAO.

(iv) The family will be ineligible for TANF with respect to any week for which the principal wage earner parent qualifies for unemployment compensation under an unemployment compensation law of a state or of the United States but refuses to apply for or accept the UC.

(2) *Work record requirement.* Eligibility for TANF depends on the unemployed principal wage earner parent having had a work record. A work record shall be proved. To prove a work record, there shall be evidence that the principal wage earner parent meets one of the following conditions:

(i) The parent received UC benefits from a state or from the United States within the 12-month period prior to the date of application or was qualified for UC which means that the parent would have been eligible if the parent had filed application for benefits or if the parent's employment had been covered under Unemployment Compensation Law (43 P.S. §§ 751—914) within the 1-year period.

(ii) The parent worked for 6 or more calendar quarters in a 13-calendar quarter period ending within the 12-month period before the date of the application. Activities as specified in clauses (D) and (E) may be used to qualify for no more than 4 of the required 6-calendar quarters. In a calendar quarter, which is defined as a period of 3-consecutive calendar months ending on March 31, June 30, September 30 or December 31, the parent shall have:

(A) Earned \$50 or more.

(B) Participated in a community work and training program; which means programs of a constructive nature, encouraging the conservation of work skills and the development of new skills for individuals who are 18 years of age or older and are receiving TANF and under conditions which are designed to assure protection of the health and welfare of these individuals and the dependent children involved, or other work and training program under governmental auspices.

(C) Participated in the Work Incentive Program before October 1, 1989, or in ETP or RESET on or after October 1, 1989, while receiving AFDC or TANF.

(D) Attended, full-time, an elementary school, a secondary school or a vocational or technical training course designed to prepare the individual for gainful employment.

(E) Participated in an educational or training program established under the Job Training Partnership Act of 1982 (29 U.S.C.A. §§ 1501—1781).

(F) A quarter of coverage based on earnings in the calendar year, as determined under section 213(a)(2) of the Social Security Act (42 U.S.C.A. § 413(a)(2)).

(3) *Transfers between CU and C grant groups.* Transfers between CU and C grant groups will be governed by the following:

(i) CU grant groups will be transferred to C if deprivation occurs for reasons other than the unemployment of the principal wage earner parent. Similarly, C grant groups will be transferred to CU if deprivation no longer exists except for the unemployment of the principal wage earner parent as specified in § 153.43(d) (relating to TANF deprivation of support or care requirements).

(ii) A *Form PA 122, Authorization*, is required for each transfer. The executive director or his delegate will sign the Form PA 122 authorizing GA.

(e) *Procedures relating to the Acknowledgement of Paternity form*. When assistance is requested or received on behalf of a child born out-of-wedlock, the CAO will explore with the caretaker relative the putative father's willingness to sign an *Acknowledgment of Paternity Form*.

(1) For children born in this Commonwealth, the following procedures apply:

(i) The *Acknowledgment of Paternity Form* is used to establish paternity of a child born out-of-wedlock when assistance is requested or received on behalf of a child born out-of-wedlock and the putative father voluntarily consents to establishing a claim of paternity by signing the form. The following procedures apply:

(A) When the putative father establishes a claim of paternity by signing the form, the worker also obtains the mother's signature on the form. To be valid, the signatures of the mother and putative father shall be witnessed by a third party. The third party may not be the mother or the putative father. The CAO forwards the form to:

THE PARENT LOCATOR SERVICE SECTION
CHILD SUPPORT PROGRAMS OFFICE
POST OFFICE BOX 8018
HARRISBURG, PENNSYLVANIA 17105

(B) Upon completing and forwarding the form to the Parent Locator Service Section, the CAO will consider the putative father as an LRR to the child. The CAO will apply appropriate LRR regulations.

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**CHAPTER 165. ROAD TO ECONOMIC
SELF-SUFFICIENCY THROUGH EMPLOYMENT
AND TRAINING (RESET) PROGRAM**

GENERAL RESET PROVISIONS

§ 165.1. General.

(a) A recipient who is not exempt shall participate in RESET. An exempt individual may volunteer to participate in RESET. The CAO will inform an applicant and recipient of the rights and responsibilities, and services and benefits available to RESET participants. A recipient's ability to meet RESET participation requirements will be assessed after consultation with the recipient. Applicants and recipients shall comply with this chapter.

(b) The Department will provide RESET participants, to the extent necessary, case management and approved supportive services as may be necessary to support participants in becoming self-sufficient. In addition, participants will be provided with or referred to education, training and employment-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that may assist participants to prepare for and obtain employment in jobs they may realistically be expected to obtain.

(c) The Department may provide employment, education, training, work-related activities or work experience programs to applicants or recipients. Nothing in this chapter shall be interpreted as requiring the Department to develop or to offer or to continue to offer the employment, education, training, work-related activities or work experience programs.

§ 165.2. Definitions.

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

AMR—Agreement of Mutual Responsibility—

(i) A written individualized document that, based on an assessment of the individual's skills and abilities, sets forth the responsibilities and obligations to be undertaken by the individual to achieve self-sufficiency, including participation in approved work and work-related activities.

(ii) The AMR includes the time frames within which each obligation is to be completed, the penalties for failure to comply, and the services to be provided by the Department to support the individual's efforts.

Appropriate child care—

(i) Services operating in accordance with applicable State regulations for child day care centers, group day care homes and registered family day care.

(ii) The term also includes informal care provided in the child's home or the home of the caregiver.

*Bona fide offer of employment—*To be considered a bona fide offer of employment, there must be reasonable assurances that:

(i) Appropriate standards for the health, safety, minimum wage and other conditions applicable to the performance of work and training in the employment are established and will be maintained.

(ii) The employment will not result in any displacement of employed workers and with respect to that employment, the conditions of work, training, education and employment are reasonable in light of factors such as the type of work, geographical region and proficiency of the participant.

(iii) The employment is not available due to a labor dispute, strike or lock-out.

EDP—Employment Development Plan—

(i) An individualized agreement with the Department that is completed by the Food Stamp recipient and is based on the individual's skills and abilities.

(i) An EDP sets forth an employment goal with responsibilities and obligations to be undertaken by the individual to achieve that goal and the time frames within which each obligation is to be completed.

(ii) The EDP describes services to be provided by the Department.

*Exempt—*Individuals who are not required to comply with RESET participation requirements, as specified in § 165.21 (relating to exemptions from RESET participation requirements).

*Full-time child care—*Child care of at least 5 hours per day.

*Grant diversion—*The use of all or a portion of a recipient's cash assistance grant and Food Stamps as a wage supplement to an employer.

Noncompliance—The failure or refusal to comply with this chapter.

Participant—An individual who is actively engaged in a mutually agreed upon and approved education, employment or training related activity.

Part-time child care—Child care of less than 5 hours per day.

Preexpenditure approval—Approval by a person specified by the Department prior to the recipient's incurring an expense for an item or service.

Reasonable distance—Up to 2 hours travel time round trip from home to the work site, including travel time to the child or adult care provider, by reasonably available public or private transportation.

RESET—Road to Economic Self-Sufficiency Through Employment and Training—A program operated by the Department, within the constraints of available funds, to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable.

Special allowances for supportive services—Payments for items and services as determined by the Department to be necessary to enable a participant to prepare for, seek, accept or maintain education, employment or training.

§ 165.11. (Reserved).

EXEMPTIONS FROM RESET PARTICIPATION REQUIREMENTS

§ 165.21. Exemptions from RESET participation requirements.

(a) An individual's exemption status is reviewed when a change is reported that would affect the individual's exemption status, when a condition is expected to change and at each reapplication interview. The individual is notified in writing of changes in exemption status.

(b) An individual who is exempt may volunteer to participate in RESET.

(c) An individual shall participate in RESET unless the individual establishes good cause under § 165.52 (relating to good cause) or the individual is exempt. An individual may be exempt if the individual is one of the following:

(1) Mentally or physically disabled, as verified by a physician or licensed psychologist, and the disability temporarily or permanently precludes any form of employment or work-related activity.

(i) An exemption period for recuperation after childbirth as determined by a physician or licensed psychologist.

(ii) Because mentally ill or mentally retarded persons cannot always acknowledge or explain their impairment and are frequently incapable of obtaining verification, persons who, in the judgment of the worker are mentally impaired, shall be referred to the Disability Advocacy Program for further evaluation. These persons will be exempt pending the results of an evaluation.

(iii) The Department may require an applicant or recipient with a verified temporary mental or physical

disability, including drug or alcohol dependency, to pursue appropriate treatment as a condition of receiving assistance.

(iv) The Department may require an applicant or recipient to submit to an independent examination as a condition of receiving assistance.

(2) The parent or other caretaker who is personally providing care for a child under 6 years of age for whom an alternate child care arrangement is unavailable.

(3) A child who is under 18 years of age and pursuing a high school diploma or a certificate of high school equivalency.

(4) The custodial parent in a one-parent household who is caring for a child who is under 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

§ 165.22. Verification of exemption.

(a) *Need for verification.* The applicant or recipient shall cooperate in providing necessary information and verification regarding the basis for exemption.

(1) The CAO may assist an individual in obtaining verification when help is needed.

(2) The Department may require an applicant or recipient claiming an exemption based on a physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity to submit to an independent examination as a condition of receiving assistance, if the individual is exempt from RESET.

(3) An applicant or recipient with a verified physical or mental disability which temporarily precludes any form of work or work-related activity shall pursue appropriate treatment to restore or improve the individual's ability to work, as a condition of receiving assistance, if the individual is exempt from RESET.

(4) An individual is not required to verify information that was previously verified and is not subject to change.

(b) *Types of verification.* Verification of an exemption consists of reasonably available documentation specified by the Department and includes birth certificates or baptismal records, written statements from physicians, licensed psychologists or school officials that support the Individual's claim for an exemption.

(1) The verification of a physical or mental disability shall be established on a form specified by the Department and shall be based on acceptable clinical and laboratory diagnostic techniques rather than on the applicant's or recipient's statement of symptoms.

(2) If the individual fails to verify the claim for an exemption, the individual shall participate in RESET unless the individual has cooperated in seeking verification and verification is unavailable.

(c) *Expiration of exemption.* The CAO will notify the exempt individual in writing when the period of exemption is due to end.

(1) The individual will be given an opportunity to provide new or additional verification to continue the exemption.

(2) The individual will be given the opportunity to prepare to comply with RESET participation requirements under § 165.31 (relating to RESET participation requirements).

§ 165.25. RESET participation requirements following an exemption.

An individual who was formerly exempt shall participate in RESET, as specified in § 165.31 (relating to RESET participation requirements), in accordance with the following:

(1) An individual who was exempt due to a physical or mental disability is required to participate in RESET:

(i) Immediately if the condition ceases during the first 22 months that the individual receives cash assistance.

(ii) Within 8 weeks if the condition ceases after the individual has received cash assistance for 22 months or more.

(2) An individual who was exempt from RESET because the individual is providing child care for a child under 6 years of age shall participate in RESET as soon as alternate child care arrangements are available or when the child becomes 6 years of age, whichever occurs first.

(3) An exempt individual under 18 years of age shall participate in RESET when the individual:

(i) Reaches 18 years of age, although the individual may be able to continue to pursue a high school or equivalency program after age 18 as a work-related activity during the first 24 months of receipt of cash assistance.

(ii) Attains a high school diploma or a certificate of high school equivalency.

(iii) Ceases to pursue a high school diploma or a certificate of high school equivalency.

(4) A custodial parent in a one-parent household who was exempt to provide care to a child under 12 months of age shall participate in RESET if one of the following conditions:

(i) The child reaches 12 months of age.

(ii) The custodial parent has claimed this exemption for a total of 12 months during the parent's lifetime.

(iii) The custodial parent chooses to end the exemption.

RESET PARTICIPATION REQUIREMENTS

§ 165.31. RESET participation requirements.

(a) The following RESET participation requirements always apply:

(1) An individual who is not exempt under § 165.21 (relating to exemptions from RESET participation requirements) shall seek and accept any bona fide offer of employment and maintain employment.

(2) A nonexempt individual shall accept referral to, work in and retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(3) A nonexempt individual may not, without good cause, voluntarily terminate employment, reduce earnings or fail to apply for work.

(4) Information indicating noncompliance with this section will result in a compliance review in accordance with § 165.51 (relating to compliance review).

(5) A nonexempt recipient's willful failure, without good cause, to comply with this subsection will result in the imposition of sanctions as specified in § 165.61 (relating to sanctions).

(b) *Requirements that apply during the first 24 months.* The following RESET participation requirements apply during the first 24 months:

(1) A nonexempt individual who is not employed for an average of at least 20 hours per week shall participate in a work-related activity.

(2) A nonexempt individual who is not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available work-related activity, including work-related activities specified on the AMR.

(3) For the initial work-related activity, the individual shall participate in an initial job search for up to 8 weeks, except as provided in paragraph (6) and subsection (f).

(i) For an applicant, the initial job search is required upon authorization of cash assistance.

(ii) The applicant or recipient shall document these efforts and present the documentation to the appropriate CAO upon request.

(4) After the initial job search, the individual may fulfill the work-related activity requirement, subject to the limitations in paragraphs (5)—(8), by participating in one or more of the following activities, as approved by the Department:

(i) Subsidized employment.

(ii) Work experience.

(iii) On-the-job training.

(iv) Community service.

(v) Workfare.

(vi) Job search, whether independent or assisted, and job readiness and job preparation activities.

(vii) Vocational education training or job skills training.

(viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.

(ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.

(x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.

(5) During the first 24 months that an individual receives cash assistance, whether consecutive or interrupted, participation in an approved vocational education, general education, English-as-a-second language and job skills training counts toward fulfilling the work-related activity requirement of this subsection for a maximum of 12 months. After 12 months of education or training, the individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, unless the individual establishes good cause under § 165.52 (relating to good cause).

(6) A recipient 18 years of age or older but under 22 years of age who does not have a high school diploma or its equivalent may fulfill RESET participation requirements by pursuing a high school diploma or its equivalent.

lent, provided that the individual maintains satisfactory progress, as defined by the institution.

(7) Work experience is limited to 6 cumulative months in an individual's lifetime.

(8) Notwithstanding paragraph (7), work experience may be extended beyond the 6-month lifetime limit if necessary to comply with Title II of the Americans With Disabilities Act (42 U.S.C.A. §§ 12131—12165).

(c) *Requirements that apply after the first 24 months.* The following RESET participation requirements apply after the first 24 months:

(1) After receiving cash assistance for 24 months, whether the months are consecutive or interrupted, a nonexempt individual shall, as a condition of eligibility or continuing eligibility for cash assistance, participate for an average of at least 20 hours per week in any one or a combination of the following activities, as approved by the Department:

- (i) Unsubsidized employment.
- (ii) Subsidized employment.
- (iii) Work experience.
- (iv) Community service.
- (v) On-the-job training.
- (vi) Workfare.

(2) After 24 months of receipt of cash assistance, an individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, including the minimum 20-hour-per-week work activity requirement in paragraph (1), unless the individual establishes good cause, as specified in § 165.52.

(3) Work experience is subject to the provisions of subsection (b)(7) and (8).

(d) *AMR and EDP.* Final approval of the work and work-related activities listed in the AMR or EDP rests with the Department. The AMR and EDP are not considered contracts. Factors to be considered in developing the AMR and EDP include:

- (1) Available program services.
- (2) The client's previous education and training.
- (3) The client's supportive services needs.
- (4) The client's skills level and aptitudes.
- (5) Local employment opportunities.
- (6) The client's goals and interests, to the extent possible.

(e) *Self-initiated education or training.* Subject to subsections (b) and (c), self-initiated education or training may be approved as part of an individual's AMR, if the person is making satisfactory progress as defined by the institution.

(f) *Exempt voluntary participation.* An exempt individual may volunteer to participate in RESET. An exempt volunteer is not required to conduct an initial job search before participating in RESET.

SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES

§ 165.41. Eligibility for special allowances for supportive services.

(a) A cash assistance or Food Stamp recipient may receive certain special allowances to pay for in advance or to reimburse costs of supportive services, as specified in

this chapter, to enable the individual to prepare for, seek, accept or maintain education, training or employment. Payment for supportive services will be made in advance whenever the payment is needed by the individual to begin or maintain a RESET activity.

(b) For an individual seeking cash assistance to qualify to receive a special allowance for supportive services, the individual shall be determined eligible for cash assistance, participate in RESET unless exempt and have an approved AMR. For an individual seeking only Food Stamps, to qualify for a special allowance for supportive services, the individual shall comply with an approved EDP. The approved AMR or EDP, whichever is applicable, shall specify the activities for which the supportive services will be provided.

(c) A special allowance for supportive services is made only to the extent that the item or service is not available from another public source at no cost to the individual, does not interfere with parental choice as specified in §§ 165.46(a)(5) and 168.11(b) (relating to types of special allowances for supportive services; and general requirements), and cannot be met by educational assistance. The activity may not be secondary education or an equivalent level of vocational or technical training, unless the individual is a pregnant female or custodial parent.

(d) The CAO will inform the individual, in writing and orally, of the availability of special allowances for supportive services at application, reapplication and whenever the AMR or EDP is developed or revised.

(e) The CAO shall assist the participant to obtain supportive services to participate in employment, education, training and job search activities, including precomponent activities such as orientation.

(f) Except as otherwise restricted in this chapter, special allowances for supportive services may be granted as often as required to enable the individual to participate in an approved education or training activity and once for each job.

COMPLIANCE REVIEW AND GOOD CAUSE

§ 165.51. Compliance review.

(a) *Need for compliance review.* A compliance review will be conducted when information indicates that a recipient may be out of compliance with RESET participation requirements, as specified in § 165.31 (relating to RESET participation requirements).

(b) *Scheduling the compliance review.* The caseworker will inform the recipient of the need for a compliance review and the consequences of failing, without good cause, to participate in the compliance review. In scheduling the compliance review, the caseworker will reasonably take into account the individual's work schedule, family and school obligations. The compliance review may be conducted in person or by telephone, according to the individual's preference.

(c) *Purpose of compliance review.* With the understanding that the goal of RESET is to assist the individual in becoming employable and self-sufficient, the compliance review will seek to identify the reasons for the individual's apparent noncompliance with RESET participation requirements. The caseworker will review the facts including those presented by the individual and those facts already known by the Department. If the individual's failure to comply with RESET participation requirements is not willful or the individual has good cause under § 165.52 (relating to good cause), the individual is not subject to sanction. In that instance, the caseworker will

explore ways to address the obstacles that prevented the individual from complying with RESET participation requirements.

(d) *Results of compliance review.* The caseworker will document the results of the compliance review. If the caseworker determines that a recipient has willfully failed, without good cause, to comply with RESET participation requirements, the recipient is subject to sanction under § 165.61 (relating to sanctions). For a noncompliant recipient not subject to sanction, the caseworker will review program requirements, help identify obstacles to compliance, and with the recipient's involvement, develop a new AMR to help achieve and maintain compliance. A recipient may appeal the Department's decision that the recipient is subject to sanction as specified under § 275.1 (relating to policy).

(e) *Special provision for individuals with disabilities.* If the caseworker knows that an individual has a disability, the caseworker considers this fact, and those presented by the individual. If the facts reveal that the individual did not comply with RESET participation requirements due to disability, no sanction is imposed. In that case, the caseworker and the individual will develop a new AMR to address the disability and, if applicable, other obstacles to self-sufficiency.

§ 165.52. Good cause.

(a) Good cause includes the following circumstances beyond the individual's control:

- (1) The job was beyond the capacity of the individual.
- (2) The individual reasonably attempted and is unable to secure or to maintain transportation.
- (3) The individual reasonably attempted and cannot secure or maintain appropriate child care, as defined in § 165.2 (relating to definitions), or appropriate adult care for an incapacitated adult living in the same home, within a reasonable distance from the individual's home, as defined in § 165.2.
- (4) The working conditions are substandard; that is, the place of employment is not free of recognized hazards that are causing or are likely to cause death or serious physical harm, or the wages paid are below the minimum wage if applicable for that type of employment or are below the prevailing wage normally paid in the community for that specific kind of employment.
- (5) The individual establishes a basis for a claim of discrimination by an employer or fellow employees based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs or other unlawful discrimination.
- (6) The individual leaves a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor, construction work or temporary work through an agency. Even though employment at the new site has not actually started, leaving the previous employment shall be considered good cause if it is part of the pattern of that type of employment.
- (7) Personal illness or illness of another household or family member.
- (8) A personal emergency.
- (9) The individual failed to receive notice at least 2 days prior to the date of a scheduled RESET activity.
- (10) The individual ends a sporadic work relationship that does not hold a reasonable possibility for permanent,

full-time work to participate in an approved RESET activity or to accept full-time employment.

(11) A job offer is rejected because it will result in a net loss of cash income to the budget group of the RESET participant. Net loss of cash income results if the budget group's gross income less actual work-related expenses plus a cash assistance payment for which the budget group remains eligible is less than the cash assistance previously received. The actual work-related expenses include mandatory payroll deductions as well as the actual cost of the child care, cost of care of an incapacitated individual living in the same home and transportation.

(12) The individual was placed in an education or training activity that was beyond the capacity of the individual to complete, and the individual is willing to participate in another activity better suited to the individual's needs and aptitudes.

(13) A required employment and training activity conflicts with scheduled hours of employment or a job interview.

(14) The location of a RESET site or job is more than 2 hours round-trip by reasonably available public or private transportation from the individual's residence.

(15) The individual is claiming to be exempt from RESET participation requirements under § 165.21 (relating to exemptions from RESET participation requirements) and is cooperating in an attempt to provide verification of exemption.

(b) In determining good cause, the worker will give the individual the benefit of the doubt and consider all the facts and circumstances, especially if the transgression is relatively minor (such as reporting to a component a few minutes late) or isolated in nature (such as forgetting to keep an appointment, despite good overall attendance). Even after the CAO has made a preliminary determination of the lack of good cause, an individual may offer evidence of good cause to avoid sanction.

(c) The Department may grant good cause for up to 6 months to an individual, when strict application of any RESET participation requirement would not promote an individual's approved plan for self-sufficiency, as recorded on the AMR, and would make it more difficult for the individual to fulfill the plan. Examples of good cause for not strictly complying with a RESET participation requirement include:

- (1) Hours that an individual is participating in an approved education or training activity which began during the first 24 months of receipt of cash assistance, if the total hours of instruction, lab time and work or work-related activity, whichever applies, equals at least 20 hours per week.
- (2) Hours that an individual is participating in an internship, student teaching, or practicum assignment required as part of an approved education or training curriculum, if the individual is maintaining satisfactory progress as determined by the school or training agency, and the total hours of this activity and work or work-related activity, whichever applies, equals at least 20 hours per week.

(d) The Department may also grant good cause to a pregnant or parenting individual under 22 years of age who is enrolled in high school or attending a minimum 20-hour per week GED program, until the individual graduates from high school, receives a GED or reaches 22 years of age, whichever occurs first.

SANCTIONS**§ 165.61. Sanctions.**

(a) A sanction will be imposed on an individual who is required to participate in RESET if the individual willfully, and without good cause, does one or more of the following:

(1) Fails to accept a bona fide offer of employment in which the individual is able to engage.

(2) Voluntarily terminates employment.

(3) Fails or refuses to accept referral to, participate in, or continue to participate in an available work-related activity, including work-related activities specified on the AMR.

(4) Fails to accept referral to, work in, or retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(5) Fails to seek employment.

(6) Fails to maintain employment.

(7) Reduces earnings.

(8) During the first 24 months of cash assistance, fails to participate in one of the following work-related activities, if not employed at least 20 hours per week:

(i) Subsidized employment.

(ii) Work experience.

(iii) On-the-job training.

(iv) Community service.

(v) Workfare.

(vi) Job search, whether independent or assisted, and job readiness and job preparation activities.

(vii) Vocational education training or job skills training.

(viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.

(ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.

(x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.

(9) After receiving 24 months of cash assistance, fails to participate for an average of at least 20 hours per week in one of the following work activities:

(i) Unsubsidized employment.

(ii) Subsidized employment.

(iii) Work experience.

(iv) Community service.

(v) On-the-job training.

(vi) Workfare.

(10) Fails to agree to fulfill RESET participation requirements.

(11) Fails to apply for work at the time and in the manner the Department may prescribe.

(b) The sanction period shall be:

(1) For the first occurrence, ineligibility for cash assistance for 30 days, or until the recipient is willing to comply, whichever is longer.

(2) For the second occurrence, ineligibility for cash assistance for 60 days, or until the recipient is willing to comply, whichever is longer.

(3) For the third occurrence, permanent ineligibility for cash assistance.

(c) Applicability of the sanction is as follows:

(1) During the first 24 months, the sanction is imposed only on the individual who failed to comply.

(2) After 24 months, the sanction is imposed on the entire budget group.

(d) In lieu of the sanctions in subsections (b)(1)–(3) and (c)(1), if an employed individual voluntarily, without good cause, reduces his earnings during the first 24 months that assistance is received by not working an average of at least 20 hours per week, the grant will be reduced by the dollar value of the income that would have been earned if the recipient had not voluntarily reduced the hours of employment to less than an average of 20 hours per week. Unless the individual verifies an exemption from RESET participation requirements or establishes good cause for noncompliance, the reduction will continue until the minimum 20-hour weekly work requirement is met.

(e) If the individual under sanction in the first 24 months is the only dependent child in the TANF budget group, the caretaker will continue to receive TANF during the sanction period, if otherwise eligible.

(f) If the individual under sanction in the first 24 months is a parent or other caretaker, protective payments for the remaining members of the budget group will be made to the caretaker under sanction.

NOTIFICATION**§ 165.71. Notification.**

(a) If the compliance review results in a finding that the recipient was willfully, and without good cause, failed to comply with RESET participation requirements, the CAO will notify the recipient in accordance with Chapter 133 (relating to redetermining eligibility). This notice will indicate the sanction to be imposed and the reason for the sanction.

(b) An individual whose failure to comply results in a sanction, as specified in § 165.61 (relating to sanctions), will be reminded in writing before the end of the minimum durational sanction period of the individual's option to end the sanction by correcting the failure to comply. The CAO will send the reminder to the individual 10 days prior to the end of the sanction period.

(c) The CAO shall inform applicants and recipients of the availability of transitional child care and extended medical care at application and reapplication.

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE**CHAPTER 177. RESOURCES****TREATMENT OF RESOURCES****§ 177.21. Personal property.**

(a) *Applicants and recipients.* For an applicant and recipient, the following personal property is not counted in determining eligibility:

(1) Basic items essential to day to day living, such as the following:

- (i) A household furnishing.
- (ii) A major appliance.
- (iii) An item used to provide, equip and maintain a household for the applicant or recipient.
- (iv) A personal effect of limited value, including clothing, a child's toy, a wedding or engagement ring.
- (v) Pets and family heirlooms.
- (vi) A farm animal for domestic use.
- (vii) A piece of farm equipment or a farm animal needed for employment.
- (viii) A piece of equipment needed for employment, rehabilitation or to implement a self-care plan.

(2) The full value of one vehicle per TANF or GA budget group. The equity value of all other vehicles will be counted and applied toward the resource limit.

(3) A retroactive assistance payment received as a result of a prehearing conference, a fair hearing decision or a court order. This exemption will be only for the calendar month of receipt and the following calendar month. If an amount remains after the period of exemption, it is considered nonexempt and is subject to the resource limits under § 177.31 (relating to resource limit).

(4) A retroactive assistance payment authorized to correct underpayments to current recipients. The exemption will be only for the calendar month of receipt and the following calendar month. If an amount remains after the period of exemption, it is considered nonexempt and is subject to the resource limit under § 177.31.

(5) The value of food stamps received by a participant in the food stamp program.

(6) A Home Energy Assistance (HEA) benefit furnished in-kind by a private, nonprofit organization or furnished as cash or in-kind assistance by a supplier of home heating oil or gas, by an entity providing home energy whose revenues are primarily derived on a rate-of-return basis and regulated by the Pennsylvania Public Utility Commission or by a municipal utility providing home energy. HEA benefits may include payments for heating or cooling, storm doors, weatherization services, blankets or other items. HEA benefits do not include food or clothing.

(7) In-kind Support or Maintenance Assistance (SMA) benefits provided by a private, nonprofit organization. SMA benefits may include in-kind provisions of food, clothing, temporary emergency shelter, furniture, appliances or other items.

(8) Benefits received from the Low Income Home Energy Assistance Program (LIHEAP).

(9) A revocable burial reserve, as defined in § 177.2 (relating to definitions), of up to \$1500 for each member of the budget group.

(10) If a burial reserve is in irrevocable form under § 177.24(l)(i) (relating to determining value of resources), it has no effect on eligibility for assistance.

(11) An educational savings account established by an individual at a bank or other financial institution to pay for education expenses, including tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university. The

account shall be clearly identified as having been established for or restricted to payment of educational expenses.

(i) The savings account, its ownership, the account balance and the fact that the account is restricted for payment of educational expenses shall be verified by written documentation. Documentation may include, but is not limited to, a copy of the passbook or a copy of the current account statement from the bank or other financial institution.

(ii) Moneys deposited in an account plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iii) Moneys withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred and related to attending school.

(iv) Moneys withdrawn from an educational savings account that are used for a purpose unrelated to education shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal.

(12) Savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—6901.701).

(13) Educational assistance in the form of loans, grants and scholarships, and work-study income.

(14) The face and cash surrender value of a life insurance policy.

(15) A family savings account established under Chapter 21 of the Job Enhancement Act (73 P. S. §§ 400.2101—400.2103).

(i) The account shall be clearly identified as a family savings account.

(ii) The savings account, its ownership and the account balance shall be verified by written documentation. Documentation may include a copy of the passbook or a current statement from the bank or other financial institution.

(iii) Moneys deposited into the account plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iv) Moneys withdrawn to pay for expenses outlined in an approved savings plan for this account are exempt. Documentation shall be provided that verifies the expenses were incurred.

(v) Moneys withdrawn from a family savings account that are used for a purpose unrelated to the approved savings plan shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal. Exception: moneys withdrawn to pay for educational expenses shall be exempt.

(b) *SBP and SSI recipients.* Personal property of SBP and SSI recipients is considered exempt in determining eligibility of the budget group, even if the recipient is an LRR to a budget group member.

(c) *LRRs.* An LRR is eligible for the personal property exemptions in subsection (a). The following requirements apply:

(1) An LRR who resides with the budget group and is not receiving cash assistance will have nonexempt personal property counted in determining eligibility of the budget group.

(2) An LRR who is not residing with the budget group will not have his nonexempt personal property resources counted when determining the eligibility of the budget group.

(d) *Individual sponsor of an alien.* An individual sponsor of an alien is eligible for the personal property resource exemptions in subsection (a).

(e) *Stepparents.* Personal property of a stepparent who is not included in the budget group is exempt in determining eligibility for stepchildren.

§ 177.22. Real property.

(a) *Resident property owned by an applicant or recipient.* The equity value of resident property is not counted toward the resource limit. The owner shall acknowledge liability of the resident property for reimbursement of assistance received on behalf of himself and persons for whom he is an LRR as defined in § 257.24(b) (relating to procedures) by signing an agreement consenting to the placement of a lien against the property.

(1) The Department will not force the sale of, or execute on a lien against, resident property as long as the property is used as a home by the applicant or recipient owner or his spouse or minor or incompetent adult children.

(2) Although a lien is placed against resident property, the lien does not include assistance paid during the period the owner or someone else in the budget group worked in a CWEP assignment. The amount disregarded from the lien will equal the number of hours worked in a CWEP assignment multiplied by the hourly minimum wage at the time of the work assignment.

(b) *Nonresident property owned by an applicant or recipient.* Nonresident property, including a burial space, is considered in the following manner:

(1) One burial space for each household member is exempt. This exemption also applies to LRRs and sponsors of aliens.

(2) If nonexempt property is legally available, the equity value of the applicant's/recipient's interest in the property plus the equity value of other nonexempt resources is totaled and considered against the resource limits in § 177.31 (relating to resource limit).

(3) If the equity value of nonexempt property, either alone or in combination with other nonexempt resources, exceeds the resource limit, each separately deeded parcel of nonexempt property receives an exemption for 9 consecutive budget months beginning with the date assistance is authorized for applicants, and the date the resource becomes legally available for recipients, if the following requirements are met:

(i) The applicant or recipient makes a good faith effort to dispose of the property and shall sign an agreement acknowledging liability for reimbursement of assistance received on behalf of himself and persons in the budget group for whom he is an LRR.

(ii) In cases when the budget group has been unable to sell nonresident property for reasons beyond its control, the 9-month time limit for disposing of the property will be extended for additional 9-month periods as long as the Department determines that the budget group is continuing to make a good-faith effort to sell the property.

(iii) The applicant or recipient repays the amount of assistance received during the exemption period, not to exceed the net proceeds of the sale. The assistance received is treated as an overpayment.

(4) If the nonexempt property has not been sold within each of the 9-month exemption periods, and the budget group cannot substantiate that a good-faith effort to sell the property is still being made, the recipient and members of the budget group for whom he is an LRR are ineligible, and the assistance received is treated as an overpayment. If the assistance stops and restarts during the 9 consecutive month exemption period, the assistance received is treated as an overpayment.

(c) *Real property owned by an SSI or SBP recipient.* The equity value of real property of an SSI or SBP recipient is not counted in determining eligibility of a budget group, regardless of whether or not he is an LRR to the budget group. The SBP recipient shall acknowledge liability for reimbursement of assistance provided to members of the budget group for whom the SBP recipient is an LRR, and a lien in favor of the Department will be placed against only the resident property. The SBP recipient who is an LRR is subject to the requirements under subsections (a) and (b). The SBP recipient is not required to sell his resident property as a condition of eligibility of the budget group, nor will the Department force the sale of, or execute on, the lien against the property.

(d) *Resident property owned by an LRR.* The following requirements apply:

(1) The equity value of resident property of an LRR who resides with the budget group, and who does not receive cash assistance, is not counted when determining eligibility of the budget group. Subject to the requirements of subsection (a), the LRR shall acknowledge liability of the property for reimbursement of assistance received by members for whom he is legally responsible if the LRR sells the resident property.

(2) Subject to the requirements under subsection (a), the LRR who owns resident property but is not residing with the budget group shall acknowledge liability for assistance received by members for whom the LRR is responsible. Failure by the LRR to agree to acknowledge liability does not affect the eligibility of the budget group.

(e) *Nonresident property owned by an LRR.* The following requirements apply to nonresident property owned by an LRR:

(1) For an LRR who resides in the home of the budget group and who is not receiving cash assistance, SSI or SBP and who has an ownership interest in nonresident property, his equity value of the property plus the equity value of other nonexempt resources of those members for whom the LRR is responsible are totaled and counted against the resource limit found in § 177.31. The conversion requirements of subsection (b) apply to the LRR. If the property is not legally available, the value of the property is not counted. The LRR shall acknowledge liability for reimbursement of the assistance received by budget group members for whom the LRR is legally responsible under subsection (b).

(2) For an LRR who is absent from the home, the procedures at § 257.24(a)(4) apply.

(f) *Real property owned by a stepparent.* Real property or a portion of real property owned by a stepparent is exempt when determining the eligibility of the stepchild. It is not subject to acknowledgement of liability for reimbursement of assistance received by the stepchild.

(g) *Real property owned by the sponsor of an alien.* Real property owned by a sponsor of an alien is treated under § 177.11(h)(1)(ii) and (iii) (relating to identification and verification of resources).

§ 177.24. Determining value of resources.

Unless specifically exempt under § 177.21 or § 177.22 (relating to personal property; and real property), the equity value of real and personal property is subject to the resource limits in § 177.31 (relating to resource limit).

(1) *Determining value of personal property.* An applicant, recipient, guardian, trustee or sponsor of an alien shall provide documentation verifying value of personal property. This documentation includes a written estimate from a car dealer of the fair market value of a motor vehicle, a title of ownership and a written statement from financial institutions. Special requirements regarding certain personal property resources are as follows:

(i) An irrevocable burial reserve shall be in a form which restricts the use of the money to the client's burial, and shall provide that no part of the burial reserve may be withdrawn prior to the death of the client. If the interest earned on the reserve can be withdrawn, the interest is treated as income. If the CAO questions whether the document supports irrevocability, the Executive Director will send a copy of the document through proper channels for a review by the Office of Legal Counsel.

(ii) An irrevocable burial reserve owned by an applicant or established by a recipient is exempt. The value of a revocable burial reserve shall be counted as a resource available to the AFDC or GA budget group under § 177.21(a).

(iii) The establishment of an irrevocable or revocable burial reserve from excess resources does not reduce the individual's liability to repay the Department for the assistance granted during the time that the individual's total resource equity value exceeded the resource limit.

(2) *Determining value of nonresident property.* Documentation of the fair market value of nonresident property includes the estimate of value provide by value based property tax bills, by a licensed real estate broker or a financial institution—or, in the case of burial spaces, a statement from a representative of a cemetery or memorial garden—verifying ownership, conditions of resale and value. An encumbrance is deducted from the fair market value to determine the equity value.

CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA RESOURCES COMMON TO ALL CATEGORIES OF MA CATEGORIES OF MA

§ 178.11. Categories of NMP-MA.

NMP-MA applicants or recipients shall meet the resource requirements of the category of NMP-MA for which they are eligible. The following explains the different NMP-MA categories:

(1) The PA category designates an NMP person who is 65 years of age or older. This category is an SSI-related category.

(2) The PJ category designates an NMP person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The PM category designates an NMP person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The PC category is a TANF-related category and designates an NMP individual who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) An individual 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the individual 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to TANF deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(5) The PU category is an AFDC-related category and designates an NMP person who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (4) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman with no other children and the father of her unborn child, who constitute a two parent household with an unemployed principal wage earner, as defined in § 153.44(d).

(6) The PD category is a GA-related category and designates an NMP person who is 21 years of age or older and under 65 years of age, who meets the eligibility requirements for GA and who chooses to receive only MA.

§ 178.12. Categories of MNO-MA.

MNO-MA applicants or recipients shall meet the resource requirements of the category of MNO-MA for which they are eligible. The following explains the different MNO-MA categories:

(1) The TA category designates an MNO person who is 65 years of age or older. This category is an SSI-related category.

(2) The TJ category designates an MNO person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The TM category designates an MNO person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The TB category designates an MNO person who receives a SBP.

(5) The TC category is a TANF-related category and designates an MNO individual who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) An individual 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the individual 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is

receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to TANF deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(6) The TU category is an AFDC-related category and designates an MNO person who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (5)(ii) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman who is 21 years of age or older, with no other children, in a two parent household with an unemployed principal wage earner as defined in § 153.44(d).

(7) The TD category is a GA-related category and designates an MNO person who does not meet the requirements for another category of MNO.

Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA

ADDITIONAL RESOURCE REQUIREMENTS FOR TANF-RELATED AND GA-RELATED CATEGORIES OF MA

§ 178.151. Additional resource requirements.

(a) As a condition of MA eligibility for dependents living with him, a spouse and the natural or adoptive parent of an unemancipated minor child shall identify nonexcluded resources, which shall be considered, used and liquidated as though the spouse or parent were receiving MA. The spouse or parent cannot be relieved of this obligation by being a nonapplicant/nonrecipient. Only the resources actually contributed to a child who is 18 years of age or older and under 21 years of age by his parents are counted in determining the MA eligibility of a child in a MNO-MA category.

(b) The cash value of life insurance is considered a resource to the applicant/recipient group only if the applicant/recipient or an LRR living in the home is the owner of the policy or has the authority to cash in the policy.

(c) If an applicant or recipient or LRR owns nonexcluded real property, he shall have a 9-month period in which to make a bona fide effort to sell the property and additional 9-month periods as long as the applicant or recipient or LRR can demonstrate good cause for not selling the property.

(d) That portion of a gift that exceeds \$50 per individual in a calendar quarter as determined under § 181.263(8) (relating to other types of income not counted for the TANF and GA categories) is a countable resource.

(e) If a pregnancy is medically verified, the unborn child is counted as a member of the applicant/recipient group when establishing the resource limit. If multiple births are expected and verified, each unborn child is counted.

RESOURCE EXCLUSIONS FOR THE TANF-RELATED AND GA-RELATED CATEGORIES OF MA

§ 178.161. Personal property exclusions.

The following personal property is excluded:

(1) *Basic items essential to day-to-day living.* Basic items essential to day to day living such as:

(i) Household furnishings.

(ii) Major appliances.

(iii) Items used to provide, equip and maintain a household for the applicant/recipient.

(iv) Personal effects of limited value including clothing, children's toys, wedding and engagement rings.

(v) Farm animals for domestic use.

(vi) Pets and family heirlooms.

(vii) Farm equipment or farm animals needed for employment.

(viii) Equipment needed for employment, rehabilitation or to implement a self-care plan.

(2) *Motor vehicle.* Only one motor vehicle for an applicant/recipient group is excluded. Other motor vehicles are counted at their equity value.

(3) *Retroactive assistance payments.* Retroactive assistance payments received as a result of a prehearing conference, a fair hearing decision or a court order. This exemption is only allowed for the calendar month in which it is received and the following calendar month. If an amount remains after the exemption period, it is considered a resource.

(4) *Value of Food Stamps.* The value of food stamps received by a participant in the Food Stamp Program.

(5) *Personal property of an SSI or SBP recipient.* Personal property of an SSI or SBP recipient is excluded even if the SSI or SBP recipient is an LRR to an applicant/recipient group member.

(6) *Home Energy Assistance benefits.* Home Energy Assistance (HEA) benefits furnished in-kind by a private, nonprofit organization or furnished as cash or in-kind assistance by a supplier of home heating oil or gas, by an entity providing home energy whose revenues are primarily derived on a rate-of-return basis and regulated by the Pennsylvania Public Utility Commission or by a municipal utility providing home energy. HEA benefits may include payments for heating or cooling, storm doors, weatherization services and blankets. HEA benefits do not include food or clothing.

(7) *Support and Maintenance Assistance Benefits.* In-kind Support or Maintenance Assistance (SMA) benefits provided by a private, nonprofit organization. SMA benefits may include in-kind provision of food, clothing, temporary emergency shelter, furniture, toys and appliances.

(8) *Low Income Home Energy Assistance Program.* Benefits received from the Low Income Home Energy Assistance Program.

(9) *Burial space.* One burial space, as defined in § 178.2 (relating to definitions), for each member of the applicant/recipient group. Burial plots include graves, burial drawers, mausoleums or other property held for final interment.

(10) *Revocable burial reserve.* A revocable burial reserve up to \$1,500 for each applicant/recipient.

(11) *Irrevocable burial reserve.* An irrevocable burial reserve is considered under § 178.5 (relating to treatment of irrevocable burial reserves for all categories of MA).

(12) *Uniform Gifts to Minors Act.* A gift made to a person 20 years of age or younger under 20 Pa.C.S. §§ 5301—5310 (relating to Pennsylvania Uniform Gifts to Minors Act) is excluded as a resource until the person attains 21 years of age.

(13) *Life insurance policies.* The face and cash surrender value of all life insurance owned by the applicant or recipient.

(14) *Japanese-American and Aleutian restitution payments.* Restitution payments made by the United States government to eligible Japanese-Americans and Aleuts who were interned or relocated during World War II are excluded. If the eligible Japanese-Americans are deceased at the time of payments, payments will be made to certain of their survivors as specified under the Civil Liberties Act of 1988 (50 App. 1989b-1—1989b-9). This payment is also excluded. This paragraph does not apply to eligible Aleuts who are covered under the Aleutian and Pribilof Islands Restitution Act (50 App. §§ 1989c and 1989c-1—1989c-8). The exclusion as a resource only continues as long as the retained funds are kept identifiable. If real or personal property is purchased, the new resource is not excluded unless otherwise exempt. Interest received on retained restitution payments is also not excluded but is subject to the usual regulations governing interest as specified in Chapter 181 (relating to income provisions for categorically needy NMP-MA and MNO-MA).

(15) *Agent orange settlement payments.* Payments made from the Agent Orange Settlement Fund or another fund established pursuant to the settlement in the agent orange product liability litigation.

(16) *Educational assistance.* Educational assistance in the form of loans, grants and scholarships, and work-study income.

(17) *Family savings account.* A family savings account established under Chapter 21 of the Job Enhancement Act (73 P. S. §§ 400.2101—400.2103).

(i) The account shall be clearly identified as a family savings account.

(ii) The savings account, its ownership and the account balance shall be verified by written documentation. Documentation may include a copy of the passbook or a current statement from the bank or other financial institution.

(iii) Moneys deposited into the account, plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iv) Moneys withdrawn to pay for expenses outlined in an approved savings plan for this account are exempt. Documentation shall be provided that verifies the expenses were incurred.

(v) Moneys withdrawn from a family savings account that are used for a purpose unrelated to the approved savings plan shall be added to the applicant or recipient group's resource amount and used to determine eligibility beginning with the date of withdrawal. Exception: moneys withdrawn to pay for educational expenses shall be exempt.

ADDITIONAL RESOURCE EXCLUSIONS FOR GA CATEGORIES OF MA

§ 178.165. Educational savings accounts.

(a) For GA categories of MA, an educational savings account established by an individual at a bank or other financial institution to pay for education expenses, including tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university is not counted in determining eligibility.

(1) The account shall be clearly identified as having been established for or restricted to payment of educational expenses.

(2) The savings account, its ownership, the account balance and the fact that the account is restricted for payment of educational expenses shall be verified by written documentation. Documentation may include, but is not limited to, a copy of the passbook or a copy of a current account statement from the bank or other financial institution.

(3) Moneys deposited in an account plus interest earned on the account shall be exempt in determining eligibility for GA as long as the funds remain on deposit.

(4) Moneys withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred and related to attending school.

(5) Moneys withdrawn from an educational savings account that are used for a purpose unrelated to education shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal.

(b) For GA categories of MA, savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—6901.701) are not counted in determining eligibility.

CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA INCOME COMMON TO ALL CATEGORIES OF MA

CATEGORIES OF MA

§ 181.41. Categories of NMP-MA.

An NMP-MA applicant or recipient shall meet the income requirements of the category of NMP-MA for which the applicant or recipient is eligible. The following explains the different NMP-MA categories:

(1) The PA category designates an NMP person who is at least 65 years of age. This category is an SSI-related category.

(2) The PJ category designates an NMP person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The PM category designates an NMP person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The PC category is a TANF-related category and designates an NMP individual who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) An individual 21 years of age or older and under 65 years of age who meets the requirements of a specified

relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the individual 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to TANF deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(5) The PU category is a TANF-related category and designates an NMP individual who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (4) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman with no other children and the father of her unborn child, who constitute a two parent household with an unemployed principal wage earner, as defined in § 153.44(d).

(6) The PD category is a GA-related category and designates an NMP person who is 21 years of age or older and under 65 years of age, who meets the GA eligibility requirements and who chooses to receive only NMP-MA.

§ 181.42. Categories of MNO-MA.

An MNO-MA applicant or recipient shall meet the income requirements of the category of MNO-MA for which the applicant or recipient is eligible. The following explains the different MNO-MA categories:

(1) The TA category designates an MNO person who is 65 years of age or older. This category is an SSI-related category.

(2) The TJ category designates an MNO person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The TM category designates an MNO person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The TB category designates an MNO person who receives a SBP.

(5) The TC category is a TANF-related category and designates an MNO individual who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) An individual 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the individual 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent age level of a vocational or technical school and who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to TANF deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(6) The TU category is a TANF-related category and designates an MNO individual who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (5)(ii) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman who is 21 years of age or older, with no other children, in a two parent household with an unemployed principal wage earner as defined in § 153.44(d).

(7) The TD category is a GA-related category and designates an MNO person who does not meet the requirements for another category of MA.

Subchapter C. THE TANF AND GA CATEGORIES

§ 181.251. (Reserved).

TYPES OF INCOME NOT COUNTED FOR THE TANF AND GA CATEGORIES

§ 181.262. Educational loans, grants and work-study income.

The following do not count as income:

(1) Educational assistance in the form of loans, grants and scholarships.

(2) Work-study income.

§ 181.263. Other types of income not counted for the TANF and GA categories.

The following types of income are not counted for the TANF and GA categories:

(1) *Funds subject to reimbursement.* Funds for which a Department reimbursement agreement has been executed.

(2) *MA Copayment rebates.* A refund to the applicant/recipient authorized as a rebate for payment made in excess of the amount required as copayment for MA services.

(3) *Retroactive cash assistance payments.* Retroactive cash assistance payments authorized to correct underpayments to previous recipients of cash assistance are not considered income in the month paid nor in the following month. In subsequent months, money remaining from the payments is treated as a resource under Chapter 178 (relating to resources provisions for categorically NMP-MA and MNO-MA).

(4) *Corrective cash assistance payment.* A corrective cash assistance payment when authorized retroactively as a result of a prehearing conference, a fair hearing decision or a court order.

(5) *Refund of assigned support payment.* An assigned court order or voluntary support payment refunded to the applicant/recipient due to a month of suspension of the monthly cash assistance payment.

(6) *Donations from public or private agencies.* Money, goods or services an applicant/recipient receives from a public or private agency or organization.

(7) *Donations from individuals.* In-kind goods or services provided by a person to an applicant/recipient or third-party payments made to a vendor on behalf of an applicant/recipient.

(8) *Gifts, loans and borrowed money.* A loan or borrowed money such as, but not limited to, a car loan or a personal loan from non-LRR sources. Occasional nonrecurring small amounts of money given as a gift, regardless of whether the giver is or is not an LRR, if the amount of the gifts does not exceed \$50 per person in a calendar quarter. A gift received by a member who is included in the application for MA or is a recipient of MA may be divided among the members applying for, or receiving, MA, if the member who received the gift claims that the gift is intended for the entire group. If the gifts exceed \$50 per person per calendar quarter, only the amount of the gifts over \$50 per person is treated as a resource in the month received for all of the members.

(9) *Home produce.* The value of an applicant's/recipient's home produce which is used by him and his household for their own personal consumption and not for sale.

(10) *Day care.* Money received from providing day care for children in an approved family day care home.

(11) *Earned Income Tax Credit (EITC).* The advance monthly payment or year-end payment which an applicant/recipient receives.

TYPES OF EARNED INCOME COUNTED FOR THE TANF AND GA CATEGORIES

§ 181.273. (Reserved).

TYPES OF UNEARNED INCOME COUNTED FOR THE TANF AND GA CATEGORIES

§ 181.287. (Reserved).

DEDUCTIONS FROM INCOME FOR THE TANF AND GA CATEGORIES

§ 181.311. **Deductions from earned income for the TANF categories of NMP-MA.**

Each employed individual who qualifies for MA in the PC category, PU category or in the PD category with PC category children is entitled to the following deductions from earned income in the following order:

(1) *Work expenses.* The first \$90 per month from the earned income of each applicant or recipient who is employed if the employed individual is not eligible to receive an earned income incentive deduction as described in paragraph (2) or if the \$90 deduction is more advantageous to the applicant or recipient group.

(2) *Earned income incentive deductions.*

(i) Each employed individual in the NMP-MA applicant or recipient group is eligible to receive an earned income incentive deduction if one of the following applies:

(A) The employed individual in the NMP-MA applicant or recipient group is a recipient in a TANF-related category or a GA-related category with a child who is simultaneously a recipient of MA in a TANF-related category.

(B) The employed applicant has been a recipient of cash assistance, NMP-MA or MNO-MA in a TANF-related category in 1 of the 4 calendar months before the calendar month of his application for NMP-MA.

(C) The employed applicant has been a recipient of cash assistance, NMP-MA or MNO-MA in a GA-related category with a child who was simultaneously a recipient of MA in a TANF-related category in 1 of the 4 calendar months before the calendar month of his application for NMP-MA.

(D) The total income of persons in the NMP-MA applicant group which is the sum of earned income less work and dependent care expenses and unearned income less appropriate deductions is less than, or equal to, the appropriate standard of need in Appendix I.

(ii) Each employed individual in the applicant or recipient group who meets one of the requirements in subparagraph (i) is eligible to receive a continuous 50% earned income incentive deduction or the first \$90 per month work expense deduction from earned income and a \$30 plus 1/3 remainder earned income incentive deduction per requirements in subparagraph (iii), whichever is most advantageous to the applicant or recipient group.

(iii) The application of the \$30 plus 1/3 remainder earned income incentive deduction is treated as follows:

(A) The employed applicant or recipient is eligible to receive the \$30 plus 1/3 remainder earned income incentive deduction for 4 consecutive months if:

(I) Twelve or more consecutive months have elapsed since the employed applicant or recipient last received NMP-MA in a TANF-related category or in a GA-related category with a child who was simultaneously a recipient in a TANF-related category. The count begins with the first month following the month of termination for NMP-MA regardless of whether the employed individual received the entire 8 consecutive months of the \$30 income incentive deduction described in clause (B).

(II) The employed applicant/recipient is eligible for a new 4 consecutive month count if the employed applicant/recipient had an interruption in the 4 consecutive month count of receipt of the \$30 and 1/3 incentive deduction. Each of the following is treated as an interruption:

(-a-) If there is no earned income to be counted when determining eligibility for NMP-MA after the deduction of work and dependent care expenses for the employed person, that month does not count as 1 of the 4 consecutive months.

(-b-) An applicant/recipient whose receipt of 4 consecutive months of the work incentive is interrupted by loss of income.

(III) An applicant or recipient who has his NMP-MA terminated due to receipt of a regularly recurring extra paycheck within a 5-week month is not considered to have had an interruption in the accumulation of consecutive months and does not have that month count as one of the 4 consecutive months. The applicant or recipient shall meet one of the qualifications described in subparagraph (i) to qualify for a balance remaining in the 4-month count unless 12 consecutive months have elapsed in which the applicant or recipient has not been a recipient of NMP-MA in a TANF-related category or in a GA-related category with a child who was simultaneously a recipient in a TANF-related category. If 12 consecutive months have elapsed, the employed applicant or recipient is eligible for a new 4 consecutive month count.

(IV) If an applicant/recipient received retroactive NMP-MA and qualified for receipt of the earned income incentive deduction as described in subparagraph (i) and elected to receive the earned income incentive deduction, each month that he received the earned income incentive deduction during the retroactive period counts as 1 of the 4 consecutive months when determining the balance remaining in the 4-month count.

(B) Each employed individual in the applicant or recipient group who received 4 months of the \$30 plus 1/3 income incentive deduction is eligible for an income

deduction of \$30 per month during the next 8 consecutive months. The application of the \$30 incentive is treated as follows:

(I) Each employed individual in the applicant or recipient group is eligible to receive the deduction for 8 consecutive calendar months.

(II) The applicant or recipient is entitled to the \$30 income incentive deduction during a calendar month of the 8-month period for which the income of the applicant or recipient is sufficient to qualify.

(III) The 8 months of eligibility for the \$30 income incentive deduction begins with the calendar month following the end of the 4 consecutive calendar months of the \$30 and 1/3 income incentive deduction.

(IV) The 8 months of eligibility are counted consecutively, whether or not MA is interrupted or income is sufficient to qualify for it.

(3) *Dependent care expenses.* The actual work-related cost of care of dependent children or incapacitated persons living in the home of the applicant/recipient if no other sound plan can be made for their care, up to a maximum of:

(i) One hundred seventy-five dollars per month per child 2 years of age or older or incapacitated person when the applicant/recipient is employed full-time.

(ii) One hundred fifty dollars per month per child 2 years of age or older or incapacitated person when the applicant/recipient is employed part-time.

(iii) Two hundred dollars per month per child 1 year of age or younger regardless of whether the client is employed full-time or part-time.

CHAPTER 183. INCOME EARNED INCOME

§ 183.23. (Reserved).

UNEARNED INCOME

§ 183.32. **Support.**

Support paid by an LRR for a child or spouse, whether it is court-ordered or voluntary, a direct payment to the individual or assigned to the Department, is counted in determining eligibility and treated as follows:

(1) Support, court-ordered or voluntary, received by the individual in the initial budget month is counted in determining that month's assistance payment.

(2) After the initial authorization, support is collected by the Department and is not counted as income in computing the amount of the monthly assistance payments. The amount of support collected by the Department is used in determining the continued eligibility of the budget group.

(3) The payee of the support payment is required to remit to the Department support payments received after the initial budget month assistance payment. Upon written notification from the Bureau of Child Support Enforcement that the caretaker/relative is not cooperating with the support requirements by failing to remit court ordered or voluntary support payments, the caretaker/relative is removed from the budget group for the first payment month that can be affected.

(4) Support received on behalf of the budget group members by the caretaker/relative during the period of the sanction for failure to cooperate with the support requirements under § 141.21 (relating to policy) is

counted as income when computing the amount of the monthly assistance payment.

(5) Support received by the caretaker/relative for his needs during the period of the sanction for failure to cooperate with the support requirements under § 141.21 is deemed available to the budget group under § 183.91 (relating to LRR, parent of an AFDC minor parent and stepparent deductions). The income deemed from the LRR is added to other countable income of the budget group and is adjusted to the budget group's monthly assistance payment.

(6) If the client states that voluntary support is no longer being paid and attempts to verify the statement are nonproductive, or if there is a conflict in statements of the two parties involved and no documentation is available to prove either statement, the client's statement is accepted and eligibility exists for the caretaker/relative.

§ 183.38. (Reserved).

§ 183.71. (Reserved).

INCOME EXEMPTIONS

§ 183.81. **Income exemptions.**

The following income is not considered in determining the amount of the monthly assistance payment:

(1) *TANF child.* For TANF, the gross earnings of a child, if one of the following conditions is met:

(i) The child is qualified by age and dependency status as an TANF child and is a student under one of the following:

(A) A full-time student under Chapter 145 (relating to age).

(B) A part-time student who is also employed part-time. The employment status of the student; that is, whether he is employed full or part-time, is determined during that period when school is in session. Full-time employment during school vacation does not affect the status of the student as a part-time employee as long as it is reasonably expected that the child will return to school.

(C) A participant in the Job Corps Program under the Job Training Partnership Act of 1982 (29 U.S.C.A. §§ 1501—1781).

(ii) The child is a nonstudent 17 years of age or younger whose earnings are from a program under the Job Training Partnership Act of 1982. This earnings exemption is for a maximum of 6 calendar months per calendar year.

(2) *GA child.* For GA, the earnings of a child, if one of the following applies:

(i) The child is 13 years of age or younger.

(ii) The child is 14 through 17 years of age and the earnings are from a program under the Job Training Partnership Act of 1982. This earnings exemption is for a maximum of 6 calendar months per calendar year.

(3) *Educational loans, grants and work-study income.* The following do not count as income:

(i) Educational assistance in the form of loans, grants and scholarships.

(ii) Work-study income.

(4) *Funds subject to reimbursement.* Funds for which a Departmental reimbursement agreement has been executed.

* * * * *

(29) *Support pass-through.* The first \$50 per budget month of court-ordered and voluntary support payments received by the budget group, excluding arrearages.

* * * * *

INCOME DEDUCTIONS

§ 183.94. Eligibility for TANF earned income deductions.

Subject to the limitations in § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA), the earned income of each employed individual in the TANF budget group is treated as follows:

(1) An applicant who has been a recipient of TANF in 1 of the 4 calendar months before this application is eligible to receive a continuous 50% disregard from gross earned income.

(2) The applicant who has not been a recipient of TANF in 1 of the 4 calendar months before this application is eligible to receive a continuous 50% disregard if the applicant's income after application of the following deductions is less than the standard of need for the budget group as specified in Appendix B, Table 1 (relating to standard of need).

(i) The first \$90 per month from gross earned income.

(ii) Personal expenses subject to the limitations of paragraph (3).

(iii) Unearned income and lump sum income deductions as specified in § 183.98 (relating to unearned income and lump sum income deductions).

(3) *Personal expenses.* The actual cost of care of incapacitated adults living in the same home and receiving TANF, if no other sound plan can be made for their care, up to a maximum of:

(i) One hundred seventy-five dollars per incapacitated adult when the client is employed full-time.

(ii) One hundred fifty dollars per month per incapacitated adult when the client is employed part-time.

§ 183.96. (Reserved).

§ 183.97. Ineligibility for disregards from earned income for TANF and GA.

The deductions in §§ 183.94 and 183.95 (relating to eligibility for TANF earned income deductions; and GA earned income deductions) do not apply to the budget month income considered for the corresponding payment month for an applicant or recipient to whom one of the following conditions applies:

(1) Within the 30-day period preceding the budget month, the applicant or recipient terminated employment or reduced his earned income without good cause as defined in Chapter 165 (relating to Employment and Training Program).

(2) Within the 30-day period preceding the budget month, the applicant or recipient refused without good cause, to accept employment in which he was able to engage which was offered through the JS, through the CAO or by an employer whose offer is determined by JS or the CAO to be a bona fide offer and thereby incurs an employment sanction. Ineligibility for the deductions will apply to the budget months corresponding to the payment months of the sanction period even if the disqualifying action has been corrected.

(3) He failed, without good cause, to make a timely report of the budget month income as specified in Chapters 125 and 142 (relating to application process; and monthly reporting). Good cause includes, but is not limited to, the following situations: serious illness, accident, death, physical or mental handicap, illiteracy, language problems or postal delay, making it impossible to expect that the usual reporting requirements be met.

MONTHLY ASSISTANCE PAYMENT DETERMINATION

§ 183.105. Increases in income.

An increase in actual, deemed or estimated income of the budget group in a calendar month affects eligibility and the amount of the monthly assistance payment as follows:

(1) If the increase in recurring income results in ineligibility, and the ineligibility is expected to last more than 1 month, assistance is terminated for the first check which can be reached in the first month of ineligibility or the following month with proper notice being provided as described in § 133.4 (relating to procedures). An overpayment occurs for assistance received beginning with the first month of ineligibility.

(2) If the increase in recurring or nonrecurring income results in ineligibility, but ineligibility will exist for only 1 month, and it is caused by excessive income or other similar circumstances in the budget month, assistance is suspended for the corresponding payment month using the proper notice as described in § 133.4.

(3) If the increase in recurring or nonrecurring income does not result in ineligibility, the increase in actual or deemed income in the budget month affects the assistance payment in the corresponding payment month.

(4) If the increase is lump sum income, the following applies:

(i) If the increase in lump sum income of the budget group or LRR other than the parent of an AFDC minor parent living with the budget group results in ineligibility, assistance is terminated no later than the payment month corresponding with the budget month in which the income was received. The budget group is ineligible for the number of full months for which the lump sum and other countable net income will meet the needs of the budget group and LRR whose lump sum income is counted. The standard of need—Appendix B, Table 1—used to determine the period of ineligibility is the one applicable to the county in which the budget group resides and is based on the number of persons in the budget group plus the LRR whose lump sum income is counted.

(A) If the income calculated as remaining after the period of ineligibility is less than the monthly assistance payment, it is considered income only in the first month following the period of ineligibility.

(B) If the income calculated as remaining after the period of ineligibility is equal to or exceeds the monthly assistance payment, the budget 2 group is ineligible for 1 additional month. The remainder is a resource, if available, in the month of reapplication.

(C) The period of ineligibility applies to an individual whose lump sum income is counted and those individuals who were receiving or applied for assistance during the month the lump sum income was received. Other individuals who did not receive or apply for assistance during

the month the lump sum income was received and who subsequently apply may be eligible for a monthly assistance benefit.

(D) Advance notification of ineligibility includes the computation upon which the period of ineligibility is based. If the exact amount of the lump sum income received is unknown due to the refusal to provide this information, the budget group is determined to be ineligible due to failure to cooperate.

(ii) Recalculation of the period of ineligibility following the initial application of this subparagraph is required under certain circumstances. The recalculation may only shorten the period of ineligibility, not lengthen it. The grant may be restored at the end of the recalculated period of ineligibility upon reapplication, if the budget group is otherwise eligible for a grant. No retroactive benefits may be granted for any period of time prior to the date of the reapplication. Recalculations are made only under the following conditions:

(A) When a member of the budget group leaves the family taking the remaining funds from the lump sum income and refuses to make the lump sum available to the rest of the family. The period of ineligibility for the remaining members is recalculated beginning with the month of the loss of these funds by the remaining members as follows:

(I) If funds which should be remaining are removed, the remaining members are eligible. If only part of those funds which should be remaining from the initial lump sum calculation are removed, the period of ineligibility is recalculated by dividing the funds which should be remaining, less the amount of funds removed, by the standard of need for the number of persons covered under the original lump sum calculation remaining in the household. The amount remaining is considered income under subparagraphs (i) and (iii).

(II) The original period of ineligibility is applied to the persons who left the household. The amount remaining is considered income under subparagraphs (i) and (iii). The period of ineligibility is applied whether or not the members later return to the household.

(B) When a natural disaster or other life or health threatening event over which the budget group has no control necessitates expenditure of the balance of the lump sum income. This clause applies only when, prior to the event, the budget group was using the lump sum income to meet 2 essential needs and there are no other income or resources sufficient to meet the needs resulting from the event.

(C) When medical expenses are incurred and paid for a member of the budget group, which are for medically necessary surgery or medical care to treat a congenital condition, serious illness or traumatic injury, if medical needs were not taken into account in determining the initial period of ineligibility; the needs cannot be met by other income or resources; and, the lump sum income was being used to meet the essential needs of the budget group.

(D) If the budget group is unable to verify the cost of essential needs, such as shelter, clothing and food, allow for basic living needs under the standard of need levels for the size of the budget group in recalculating the period of ineligibility.

(iii) The amount of lump sum income received by the nonassistance stepparent, parent of a TANF minor parent or sponsor of an alien remaining after disregards, as

defined in §§ 183.91, 183.93 and 183.98(1)—(3) (relating to LRR, parent of a TANF minor parent and stepparent deductions; sponsor deductions; and unearned income and lump sum income deductions) is considered only in the month of receipt under paragraphs (2) and (3). A portion retained by the stepparent or parent of a TANF minor parent subsequent to the month of receipt is a resource to that individual and is not to be considered in determining eligibility for a budget group unless actually made available to them. A portion retained by the sponsor subsequent to the month of receipt is a resource to the alien in subsequent months.

(iv) An individual who receives GA and who is determined to be ineligible for a specified period due to receipt of lump sum income may apply for and receive AFDC during this period if otherwise eligible. Remaining lump sum income is considered a resource under Chapter 177 (relating to resources).

CHAPTER 187. SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT

SUPPORT PROVISIONS FOR CASH ASSISTANCE

§ 187.21. General policy.

Legal bases for support requirements. The Support Law (62 P. S. §§ 1971—1977) provides authority to the courts to order or direct support to needy individuals from LRR upon petition from the needy individual or the Department. The Public Welfare Code (62 P. S. §§ 101—1503) requires the Department to grant assistance only to those individuals who apply for and meet all conditions of eligibility. By law, then, LRRs will be a potential resource to individuals applying for or receiving assistance. The Support Law (62 P. S. §§ 1971—1977), 23 Pa.C.S. §§ 4301—5104 and 7101—8415, and the Public Welfare Code (62 P. S. §§ 101—1503) mesh to make it mandatory to explore and develop the resource that an LRR may provide to an individual. Under the child support program, support collection and paternity determination services will also be made available upon request to individuals who are not applying for or receiving assistance. The domestic relations section in each county has been designated to process requests for support services.

§ 187.22. Definitions.

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

Arrears—Past due and unpaid support.

BCSE—Bureau of Child Support Enforcement—The organizational unit in this Commonwealth responsible for supervising the State Plan for Child Support Enforcement under Title IV-D of the Social Security Act (42 U.S.C.A. §§ 651—669b).

Budget group—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs and eligibility are considered together in determining eligibility for cash assistance under one category of assistance.

CAO—County assistance office—The local office of the Department responsible for the determination of eligibility for cash, Food Stamps and MA Programs.

Cash assistance allowance—The monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a) (relating to requirements).

DRS—Domestic relations section—The division of a court of common pleas responsible for establishing and enforcing support orders.

Domestic violence—One or more of the following:

- (i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.
- (ii) Sexual abuse.
- (iii) Sexual activity involving a dependent child.
- (iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
- (v) Threats of, or attempts at, physical or sexual abuse.
- (vi) Mental abuse.
- (vii) Neglect or deprivation of medical care.

Establishing paternity—The process that determines the legal father of a child.

LRR—Legally responsible relative—The spouse, including common-law, of the applicant or recipient of cash assistance, or the biological or adoptive parent of an unemancipated minor child for whom cash assistance is sought or received.

Obtaining support—Establishing, modifying or enforcing a support order.

Support—A judgment, decree or order whether temporary, final or subject to modification, imposed or imposed by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child or spouse, or both, which provides for monetary support, health care, arrears or reimbursement, and which may include other relief.

Unemancipated minor child—An individual who is under 18 years of age, or an individual 18 years of age or older but under 21 years of age, who has not graduated from high school, is not married and is in the care and control of a parent or caretaker.

§ 187.23. Requirements.

(a) *Applicability.* This chapter applies to applicants for and recipients of cash assistance if there is: The reported absence of a parent from the home of an unemancipated minor child; a putative father for an unemancipated minor child; or a spouse absent from the home. The absence of a parent from the home is determined according to the requirements under § 153.44(a) (relating to procedures).

(b) *Cooperation requirements for child support.* As a condition of eligibility for cash assistance, every applicant or recipient seeking or receiving cash assistance on behalf of an unemancipated minor child shall cooperate in establishing paternity of an unemancipated minor child with respect to whom assistance is sought and cooperate in obtaining support from an LRR for the unemancipated minor child, unless the applicant or recipient establishes good cause for failing to do so. Cooperation includes taking the following actions:

(1) Identifying the parents of an unemancipated minor child for whom assistance is sought or received, including appearing for scheduled genetic testing with the child and submitting to the testing.

(i) Failure of the mother to identify by name the father of an unemancipated minor child shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

(ii) If the applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing, the second exclusion shall create a presumption of noncooperation, which may be rebutted only by clear and convincing evidence.

(2) Keeping scheduled appointments with the Department or the DRS.

(3) Providing truthful and accurate information and documents requested by the Department or the DRS.

(i) When the whereabouts of a parent or putative father are unknown, the applicant or recipient will be required to take whatever steps are appropriate to the individual circumstances to locate the missing parent or putative father. This may include contacting relatives and friends for information about the whereabouts of the parent or putative father or giving consent to the CAO to contact other agencies, relatives and other individuals, or possible employers and similar resources.

(ii) The CAO will provide whatever help is appropriate to the individual circumstances of the applicant or recipient to assist in locating the missing parent or putative father and supplement the efforts of the applicant or recipient by checking appropriate governmental records.

(iii) Together, the CAO and the applicant or recipient will plan and agree on the specific steps to be taken to locate the missing parent or putative father. Assistance will be authorized or continued on the agreement of the applicant or recipient to take the specific steps within the time set for doing so.

(4) Signing and returning any forms requested by the Department or the DRS.

(5) Appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS.

(6) Paying to the Department any support payment received directly from an absent parent after an assignment of support has been made.

(c) *Cooperation criteria for spousal support.* As a condition of eligibility for cash assistance, every applicant or recipient seeking or receiving cash assistance on behalf of himself and for whom there is an absent spouse shall cooperate in obtaining support unless the applicant or recipient establishes good cause for failing to do so. Cooperation includes the following:

(1) Naming the absent spouse.

(2) Keeping scheduled appointments with the Department or the DRS.

(3) Providing truthful and accurate information and documents requested by the Department or the DRS.

(i) When the whereabouts of a spouse is unknown, the applicant or recipient shall take whatever steps are appropriate to the individual circumstances to locate the missing spouse. This may include contacting relatives and friends for information about the whereabouts of the spouse or giving consent to the CAO to contact other agencies, relatives and other individuals or possible employers and similar resources.

(ii) The CAO will provide whatever help is appropriate to the individual circumstances of the applicant or recipient to assist in locating the missing spouse and supplement the efforts of the applicant or recipient by checking appropriate governmental records.

(iii) Together, the CAO staff and the applicant or recipient will plan and agree on the specific steps to be taken to locate the missing spouse. Assistance will be

authorized or continued on the agreement of the applicant or recipient to take the specific steps within the time set for doing so.

(4) Signing and returning any forms requested by the Department or the DRS.

(5) Appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS.

(6) Paying to the Department any support payment received directly from an absent spouse after an assignment of support has been made.

(d) *Cooperation prior to authorization.* Except as provided in paragraphs (3) and (4), every applicant or recipient of cash assistance shall cooperate in establishing paternity and obtaining support. The applicant or recipient shall:

(1) Appear before the DRS or other applicable division of the court of common pleas and provide to the CAO certification from the DRS of cooperation by the applicant or recipient of cash assistance in establishing paternity and in obtaining support.

(2) Cooperate with the procedures established for the county when a waiver of the personal appearance requirement is in place. The Secretary is authorized to waive the personal appearance requirement under paragraph (1) if another procedure would be as effective and efficient and a family court or DRS requests a waiver.

(3) In the case of a newborn, cooperate with the requirements under § 133.23(b)(4)(v) (relating to requirements).

(4) File a good cause claim. The cooperation requirements are waived from the time a good cause claim is filed until the CAO, court of common pleas or DRS makes a determination on the claim. If the CAO, court of common pleas or DRS determines that good cause exists, the cooperation requirements are waived as long as the good cause exists.

(e) *Assignment of support rights.* Acceptance of cash assistance shall operate as an assignment to the Department, by operation of law, of the assistance recipient's rights to receive support, on the recipient's own behalf and on behalf of any family member with respect to whom the recipient is receiving cash assistance. The assignment shall be effective only up to the amount of assistance received. The assignment shall take effect at the time that the individual is determined to be eligible for assistance. Upon termination of assistance payments, the assignment of support rights shall terminate, provided that any amount of unpaid support obligations shall continue as an obligation to and collectible by the Department to the extent of any unreimbursed assistance consistent with Federal law.

§ 187.24. (Reserved).

§ 187.25. Notification to the applicant or recipient.

(a) *Cash assistance sought or received for an unemancipated minor child.* Before requiring cooperation under § 187.23(b) (relating to requirements), the CAO will provide oral and written notice of the cooperation requirements to the applicant or recipient. The oral and written notice will advise the applicant or recipient of the following:

(1) The potential benefits that the unemancipated minor child may derive from the cooperation of the applicant or recipient in establishing paternity and obtaining support.

(2) Cooperation is a condition of eligibility.

(3) Failure to cooperate without good cause will result in the reduction of the cash assistance allowance by 25%.

(4) The right to claim good cause, good cause circumstances, proving the good cause claim, and the good cause determination under § 187.27 (relating to waiver of cooperation for good cause).

(5) The CAO will waive the cooperation requirements when the CAO, the court of common pleas or the DRS determines that good cause exists.

(6) A finding of noncooperation of an applicant or recipient does not affect the LRR's duty to pay support.

(b) *Cash assistance sought or received for a spouse.* Before requiring cooperation under § 187.23(c), the CAO will provide oral and written notice to the applicant or recipient of the cooperation requirements and the right to claim good cause. The oral and written notice will advise the applicant or recipient of the information specified in subsection (a).

§ 187.26. Noncooperation.

(a) *Determination of noncooperation by the CAO, court of common pleas or DRS.* The CAO, court or DRS may make the determination of whether an applicant or recipient refused to cooperate without good cause. The court of common pleas of each county will have the option of hearing appeals from any determination of its DRS that an applicant or recipient has not cooperated in accordance with § 187.23 (relating to requirements). If the court declines to exercise the option to hold hearings on the appeals, the procedures in subsection (b) apply. If the CAO determines noncooperation without good cause, the procedures in subsection (c) apply. Subsection (c)(1) applies to applicants. Subsection (c)(2) applies to recipients. The procedures in subsection (c)(1) or (2) also apply when the court declines to hold the noncooperation hearing. If the court, after notice and an opportunity to be heard, determines that the applicant or recipient refused to cooperate without good cause, the Department will implement the court's order, as specified in subsection (d).

(b) If the court or the DRS determines that the applicant or recipient has failed to cooperate, without good cause, with § 187.23, the court or the DRS will provide notice of any noncooperation determination to the CAO along with notice of its decision to opt not to hold a hearing on noncooperation. Appropriate court personnel shall be made available to provide testimonial evidence by telephone testimony at the time and location set by the Department for the Departmental appeal hearing. Upon receipt of the notice from the court or the DRS, the CAO shall proceed in accordance with subsection (c)(1) or (2) depending upon whether the individual is an applicant for or recipient of assistance.

(c) If the CAO determines that the applicant or recipient has failed to cooperate, without good cause, with § 187.23, or upon receipt of a notice of a noncooperation determination by the court or DRS under subsection (b), the CAO will:

(1) In the case of an applicant:

(i) Provide notice to the applicant of the noncooperation determination, the basis for the noncooperation determination and the reduction of the cash assistance allowance by 25% effective upon authorization of assistance.

(ii) Provide notice to the applicant of the right to appeal to the Department's Bureau of Hearings and

Appeals under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(iii) Authorize the cash assistance allowance reduced by 25% effective upon authorization of assistance.

(iv) Authorize the full cash assistance allowance if so ordered as a result of a decision rendered by the Bureau of Hearings and Appeals, as a result of a good cause claim initiated by the applicant, or as a result of the applicant cooperating with the support requirements.

(2) In the case of a recipient:

(i) Provide notice to the recipient of the noncooperation determination, the basis for the noncooperation determination, and the reduction of the cash assistance allowance by 25% 10 days after the date of the notice.

(ii) Provide notice to the recipient of the right to appeal to the Bureau of Hearings and Appeals under Chapter 275.

(iii) Authorize the reduction of the cash assistance allowance by 25% effective 10 days after the date of the notice, unless the recipient has invoked his right to a hearing and has filed an appeal within the 10-day period. If the recipient has invoked his right to a fair hearing within the 10-day period, cash assistance will not be reduced pending a decision in the hearing.

(iv) Initiate recovery of the assistance granted pending the fair hearing if the Department action is sustained.

(d) *Determination of noncooperation by the court.* A hearing or appeal with respect to the recommendation order of noncooperation directed by the court or DRS will be conducted by the court in accordance with the 231 Pa. Code (relating to rules of civil procedure).

(1) Upon receipt of a court order issued by a court of common pleas, the CAO will implement the order within 10 days of receipt. The CAO will:

(i) Provide notice to the applicant or recipient of the court order and the cash assistance allowance reduction by 25%.

(ii) Provide notice to the applicant or recipient of the right to appeal to the Bureau of Hearings and Appeals under Chapter 275 and that the right of appeal to the Bureau of Hearings and Appeals does not include appeal of a court order in which noncooperation has been determined by the court. The right to appeal in this instance to the Bureau of Hearings and Appeals under Chapter 275 is restricted to the calculation of the assistance allowance.

(iii) For an applicant, authorize the cash assistance allowance reduced by 25% effective upon authorization of assistance. For a recipient, the CAO will reduce the cash assistance allowance by 25% effective 10 days after the date of the notice, unless the recipient has invoked his right to a hearing and has filed an appeal within the 10-day period. If the recipient has invoked his right to a fair hearing within the 10-day period, the cash assistance allowance will not be reduced pending a decision in the hearing.

(2) If the court order directs the Department to rescind the sanction for noncooperation, the Department will implement the order immediately upon receipt.

§ 187.27. Waiver of cooperation for good cause.

(a) *Good cause circumstances.* Cooperation requirements may be waived for good cause. Good cause circumstances include the following:

(1) The child was conceived as a result of incest or rape.

(2) Legal proceedings for the adoption of the child are pending before a court.

(3) The applicant or recipient of cash assistance is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption and the discussions have not progressed for more than 3 months.

(4) Action to establish paternity or obtain child or spousal support would make it more difficult for the individual or family member to escape domestic violence, as defined in § 187.22 (relating to definitions), or unfairly penalize the individual who has been victimized by the violence, or who is at risk of further violence.

(b) *Proving the good cause claim.* The applicant or recipient of cash assistance shall provide relevant verification.

(1) A good cause claim may be verified with the following types of evidence:

(i) A birth certificate or medical or law enforcement records which indicate that the child was conceived as the result of incest or rape.

(ii) Court documents or other records which indicate that legal proceedings for adoption are pending.

(iii) A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to relinquish the child for adoption.

(iv) Medical records which indicate emotional health history and present emotional health status of the applicant or recipient or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the applicant or recipient or the child for whom support would be sought. Supportive evidence submitted from a mental health professional will be defined as statements written by individuals who have obtained licensure or certification, if applicable, or have received a degree in defined areas of mental health including psychiatry, social work, psychology, nursing, occupational therapy or recreational therapy.

(v) Court, medical, criminal, child protective services, social services, psychological or law enforcement records which verify domestic violence, as defined in § 187.22.

(vi) Statements from individuals other than the applicant or recipient with knowledge of the good cause circumstances, including a domestic violence service provider, a medical, psychological or social service provider, a law enforcement professional, a legal representative, an acquaintance, friend, relative or neighbor of the claimant or other individual.

(vii) *Verification of good cause based on domestic violence.* The CAO and applicant or recipient will complete this form for all good cause claims based on domestic violence in accordance with one of the following circumstances:

(A) To accompany acceptable verification as specified in subparagraph (iv), (v) or (vi) that an applicant or recipient has provided.

(B) To grant good cause upon written consent of the applicant or recipient based on verification of the good cause claim provided by a third party on the form.

(C) To grant good cause for up to 6 months when an applicant or recipient affirms she is at risk of domestic violence and unable to safely obtain other evidence to verify the claim of domestic violence within the established time frames for providing verification.

(2) When the applicant or recipient of cash assistance initiates a claim of good cause, the CAO, court or the DRS may provide assistance with obtaining verification. If requested by the applicant or recipient, the CAO, court or DRS will provide assistance in securing the needed evidence by advising how to obtain specific documents that may be available and by undertaking to obtain specific documents the applicant or recipient is not able to obtain. The CAO may not contact the putative father or noncustodial parent to verify good cause based on a claim of domestic violence.

(3) An applicant or recipient shall provide verification of the good cause claim, as specified under paragraphs (1)(iv)—(vii)(A) and (B), within 30 days from the date the claim is made, except when the applicant or recipient cannot otherwise provide verification of the good cause claim as specified in paragraph (1)(vii)(C).

(i) In the case of an applicant, assistance will be authorized no later than 30 days following application when the applicant is claiming good cause and verification is not readily available or pending from a third party.

(ii) In the case of a recipient, the CAO will continue assistance if verification is not provided within 30 days and the delay is due to a third party.

(c) *Good cause determination.* The CAO, court or the DRS will make a determination within 45 days from the day the claim was initiated by the applicant or recipient of cash assistance. The CAO, court or the DRS may approve additional days for the determination to be completed.

(1) If the CAO makes a determination on a good cause claim, the CAO will notify the applicant or recipient of cash assistance in writing of the final determination regarding the claim of good cause and the basis therefor and of the right to appeal under Chapter 275. If the good cause claim is denied, neither the Department nor the Bureau of Child Support Enforcement will attempt to establish paternity or obtain support for at least 30 days after the individual has been informed orally and in writing of the denial of the good cause claim.

(2) If the court of common pleas or DRS makes a determination on a good cause claim, the DRS will notify the applicant or recipient of cash assistance and the CAO of the final determination and the basis therefor and of the right to appeal under Chapter 275.

(3) When the CAO, court of common pleas or the DRS approve a waiver of the cooperation requirement based on a claim of good cause, the DRS will not attempt to establish paternity or obtain support.

(4) When good cause is determined to exist, the CAO will review the circumstances upon which the good cause determination is based, at least every 6 months.

(i) If the good cause waiver was granted based on verification, no additional verification is required if circumstances have not changed since approval of the initial waiver.

(ii) If the good cause waiver was granted based on the recipient's affirmation under subsection (b)(1)(vii)(C), and she is unable to provide verification as specified in subsection (b)(1)(iv)—(vi) and (vii)(A) and (B), the CAO

will make a determination of good cause based on a current assessment of the recipient's circumstances. This assessment will be completed by an individual with domestic violence training and substantiated by completion of the verification of good cause based on the domestic violence form under subsection (b)(1)(vii).

CHAPTER 281. TIME-OUT BENEFITS

Sec.	
281.1	Policy.
281.2	Definitions.
281.3	Eligibility requirements.
281.4	Limitations.
281.5	Ineligibility for time-out.

§ 281.1. Policy.

To the extent State funding is available, and consistent with State and Federal law, families otherwise eligible for TANF benefits under Chapter 141 (relating to general eligibility provisions) are eligible to receive time-out benefits. The receipt of these benefits does not count towards the 60-month TANF time limit in § 141.41(d) (relating to policy).

§ 281.2. Definitions.

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

Kinship caregiver—A nonparental specified relative, as defined in § 151.42 (relating to definitions).

MPP—Maximizing Participation Project—A program to assist individuals to remedy medical conditions, functional limitations and good cause situations that preclude the individual from complying with RESET requirements.

RESET—Road to Economic Self-Sufficiency Through Employment and Training Program—As defined in § 165.2 (relating to definitions).

Time-out—Cash assistance provided to a family under this chapter.

Victim of domestic violence—An individual who has been subjected to domestic violence, as defined in § 187.22 (relating to definitions).

§ 281.3. Eligibility requirements.

(a) A family is eligible to receive time-out benefits if the head of household or spouse of head of household is one of the following:

(1) *A working individual.* An individual who is participating in work and work-related activities for at least the number of hours specified in subparagraphs (i)—(iv), or who is meeting the Federal definition of "engaged in work" as specified in section 407 of the Social Security Act (42 U.S.C.A. § 607(c)), whichever provides for the greater number of hours of work.

(i) Working in paid employment 30 hours per week.

(ii) Working in self-employment 30 hours per week.

(iii) Working in paid employment at least 20 hours per week and engaging in additional hours of approved work-related activity so that the total hours of work plus approved work-related activity equals or exceeds 30.

(iv) For a two-parent family, working in paid employment a combined total of 55 hours per week.

(2) *An early engager.* An individual who completed the job search required under § 165.31(b) (relating to RESET participation requirements) and who meets one of the following conditions:

(i) Began an approved employment and training activity for at least 30 hours per week during the first 12 months of receiving cash assistance, and continues to participate in the activity for at least 30 hours per week.

(ii) Enrolled in a postsecondary educational activity defined as full time by the institution during the first 12 months of receiving cash assistance, and is maintaining satisfactory progress, as defined by the institution.

(3) *An exempt volunteer.* An individual who is exempt from RESET participation requirements due to a verified physical or mental disability under § 165.21(c)(1) (relating to exemptions from RESET participation requirements), and voluntarily participates in MPP, as defined in § 281.2 (relating to definitions). For continued eligibility for time-out, an exempt volunteer shall comply with MPP.

(4) *A kinship caregiver.* A kinship caregiver, as defined in § 281.2, who meets the following conditions:

(i) Has received at least 24 months of cash assistance for the caretaker and a related minor dependent child or has care and control of a related minor dependent child as a result of a court-ordered placement by county children and youth social services, as defined in § 3130.5 (relating to definitions).

(ii) Is not receiving TANF for the kinship caregiver's own children.

(iii) Is meeting RESET participation requirements, as specified in § 165.31, unless the individual is exempt or has good cause for not meeting those requirements.

(b) A family is eligible to receive time-out if a family member is a victim of domestic violence, as defined in § 281.2.

§ 281.4. Limitations.

(a) *Twelve-month time limit.* The family's time-out under § 281.3(a)(1)—(3) (relating to eligibility requirements) is limited to 12 months in the lifetime of the head of household or spouse of head of household.

(b) *Combined periods.* A family may receive time-out under more than one paragraph in § 281.3(a)(1)—(3). The months need not be sequential. The combined periods of § 281.3(a)(1)—(3) may not exceed 12 months in the lifetime of the head of household or spouse of head of household.

(c) *Victims of domestic violence.* Time-out received under § 281.3(b) is limited to 12 months in the lifetime of the head of household or spouse of head of household. The family may receive an additional 12 months of time-out under § 281.3(a)(1)—(3) if the head of household or spouse of head of household meets the requirements of § 281.3(a)(1), (2) or (3).

(d) *Special exemption from time limits for kinship caregivers.* A kinship caregiver may continue to receive time-out as long as the eligibility requirements of § 281.3(a)(4) are met.

(e) *Sunset date.* This chapter will sunset on July 1, 2004.

§ 281.5. Ineligibility for time-out.

(a) *Appeal rights.* An individual may appeal the denial or termination of time-out benefits under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(b) *Ending time-out.* If the individual fails, without good cause, to comply with requirements for time-out, or no longer qualifies for time-out under § 281.4 (relating to

limitations), time-out benefits for the family will end. In that event, and to the extent the family otherwise qualifies for TANF, TANF assistance will resume.

[Pa.B. Doc. No. 02-1589. Filed for public inspection September 13, 2002, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 61 AND 65]

Commission Property; Fishing

The Fish and Boat Commission (Commission) by this order amends Chapters 53, 61 and 65 (relating to Commission property; seasons, sizes and creel limits; and special fishing regulations). 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 final-form 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 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 § 53.27 (relating to use permits for unpowered boats) is published under the statutory authority of section 742(e) of the code (relating to use of property). The amendment to § 61.7 (relating to Susquehanna River and tributaries) is published under the statutory authority of section 2102 of the (relating to rules and regulations). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the (relating to waters limited to specific purposes).

D. Purpose and Background

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

E. Summary of Changes

Section 53.27. It has come to Commission staff's attention that the current wording of § 53.27(b), requiring use permit decals to be displayed above the waterline on both sides of the bow of the boat, creates a conflict with § 93.5(c) (relating to display of registration number and validation decal). Section 93.5(c) provides that no number other than the registration number may be displayed on either side of the bow of the vessel. The Commission's Boating Advisory Board (BAB) recommended that the Commission adopt the amendment as proposed with a few grammar corrections. The Commission adopted the amendment as proposed with the grammatical corrections suggested by the BAB.

Section 61.7. The Commission recently discovered an error in this section. To correct the error, the Commission adopted the amendment as proposed.

Section 65.24. Dunkard Creek is a low gradient warmwater stream that flows through the rural setting of southern Greene County. The fish populations of Dunkard Creek have been sampled extensively dating to 1976. The dominant gamefish sampled through the years has been smallmouth bass. Dunkard Creek has been documented as one of the highest density smallmouth bass populations in a warmwater stream in Southwest Pennsylvania. Analysis of the smallmouth bass data through 1990 indicated that angler harvest was a major factor in reducing the quality of the bass population. Additionally, results of a 1990 Statewide Smallmouth Bass Angler Opinion Survey suggested that anglers were very interested in quality smallmouth bass fishing through use of more restrictive length limits. These reasons combined to provide the impetus to implement and study a catch and release regulation for black bass on a portion of Dunkard Creek effective in 1995 to improve the overall quality of the smallmouth bass fishery.

Two sampling sites were used in this evaluation, one in the catch and release section and one in the Statewide regulation section. The Dunkard Creek smallmouth bass population abundance, biomass, growth and year class strength demonstrated a similar declining trend from 1984 to 2000 at both sites. The number of smallmouth bass over 12 inches at both sites declined by about 60% for the years 1995 to 2000, compared to the 1984 to 2000 mean. This occurred even though both sites had more restrictive regulations applied over the evaluation period of 1984 to 2000. One site went from a minimum length limit of 10 to 12 inches and from a year-round season to a closed season in the spring, while the other site went to catch and release. The more restrictive harvest regulations should have led to an increase in abundance of smallmouth bass over 12 inches at both sites. Smallmouth bass growth data showed that older bass (5 and 6 years of age) had a slower growth rate over time, even though abundance had been reduced. Rock bass populations also declined at both sites over the study period.

The declining smallmouth bass and rock bass population evidence combined pointed to habitat or water quality deterioration as possible factors. Water quality was not considered a major contributor, but erosion and sedimentation in the watershed as reported in a study by the Greene County Conservation District was identified as a probable cause of the fish population declines. This documentation should serve as emphasis to heighten this awareness and take steps toward reducing and eliminating this pollution problem. Livestock farming operations and dirt and gravel roads were considered the major sediment producing sources in the upper watershed. Other sediment sources include mining and logging areas, runoff from waste sites, haul roads and construction sites.

The Dunkard Creek long-term data set allowed staff to document that the catch and release regulations for bass did not meet their objective of improving the quality of the bass population. However, this data set also allowed staff to discover the chronic effects of erosion and sedimentation on smallmouth bass and rock bass populations in the Dunkard Creek watershed. Conservation groups will now be directed to alleviate this pollution and ultimately return the quality component of the smallmouth bass population to its former state.

The Commission amended § 65.24 to remove the miscellaneous special regulations on Dunkard Creek, 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. 1729 (April 6, 2002). The Commission did not receive any public comments regarding the proposed amendments.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations 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, 61 and 65, are amended by amending §§ 61.7 and 65.24 to read as set forth at 32 Pa.B. 1729 and by amending § 53.27 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 32 Pa.B. 1729 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 32 Pa.B. 1729 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*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-125 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.27. Use permits for unpowered boats.

(a) The Commission and issuing agents designated by the Commission will issue use permits for unpowered boats when their owners choose not to register them to use Commission lakes and access areas.

(b) Use permits will be issued in the form of decals, showing the expiration date. Decals shall be clearly displayed on both sides of the hull amidships below the

gunwale. For low-volume boats, such as kayaks, decals shall be placed on both sides of the deck amidships.

[Pa.B. Doc. No. 02-1590. Filed for public inspection September 13, 2002, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 63, 71 AND 73]
Snakehead Fish

The Fish and Boat Commission (Commission) hereby amends Chapters 63, 71 and 73 (relating to general fishing regulations; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing these final-omitted amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The final-omitted rulemaking to §§ 63.46, 71.6 and 73.1 (relating to sale, purchase or barter of live snakehead species; prohibited acts; and transportation) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The final-omitted rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

Snakehead fish are native to Asia; they are not native to this Commonwealth. Snakehead fish have not been identified in the wild in this Commonwealth. The discovery of a population of about 100 northern snakehead (*Channa argus*), one of several species of snakehead fish, in a pond in Crofton County, MD received National news media attention recently. Three species of snakeheads have been found in open waters in 7 states and 13 states currently prohibit possession of these species. It is believed that the introduction of this fish occurs when individuals purchase live fish and subsequently release them into the wild. There have been reports of snakeheads in hobby fish trade (pet stores) in this Commonwealth.

These fish can cause problems for aquatic ecosystems. They have large mouths, big teeth, grow to a weight of 15 pounds, can survive out of water for several days and are considered voracious predators. They have the potential to disrupt the balance between predator and prey in an aquatic ecosystem.

Secretary of the Interior Gale Norton and the United States Fish and Wildlife Service announced a proposal to ban the invasive and voracious snakehead fish from importation and interstate transportation during a press conference held in Washington, DC on July 23, 2002. This action would classify the species as injurious wildlife and subject to the Lacey Act (16 U.S.C.A. § 701).

Although it is currently illegal under Commonwealth laws and regulations for anyone to release live snakehead fish into Commonwealth waters, it previously was not illegal to possess, sell, offer for sale or purchase them. Accordingly, the Commission adopted new regulations to address this issue. The Commission, having found that it is impracticable and contrary to the public interest to follow ordinary proposed rulemaking procedures in this case, adopted the amendments to read as set forth in Annex A.

In terms of enforcement, the Commission plans to pursue a deliberate enforcement approach to ensure fairness while maximizing protection for Commonwealth waters. A person introducing live snakehead fish into Commonwealth waters ordinarily will be cited. However, a person found in possession of live snakehead fish in a situation not involving introduction of the fish into Commonwealth waters will be given a reasonable opportunity to dispose lawfully of the fish in a humane manner before commencement of any prosecution or issuance of any citation.

F. Paperwork

The final-omitted rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-omitted rulemaking will impose no new costs on the general public. However, there may be costs to the private sector in that the Commission has heard anecdotal reports that snakehead fish are being sold by a limited number of pet stores throughout this Commonwealth. The Commission's best estimate is that the final-omitted rulemaking will have a fiscal impact of approximately \$2,000 to \$3,000 on these pet stores State-wide.

H. Public Involvement

The Commission has omitted the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 because the Commission for good cause has found that the compliance with procedures specified therein is impracticable and contrary to the public interest. In light of the demonstrated problems caused by live snakehead fish and the response by the Federal and State governments, it would be impracticable and contrary to the public's best interests to delay prohibitions on sale, offering for sale, purchase or possession of live snakeheads in this Commonwealth. There could be some risk that, as other states prohibit possession and sale in the period before the effective date of new Federal prohibitions, this Commonwealth could become a destination state for these fish with concomitant risks to Commonwealth aquatic resources. Even though it is already illegal to stock these fish in Commonwealth waters, the practice of selling, offering for sale, purchasing and possessing these fish poses a foreseeable risk that fish handled in this way will find their way into Commonwealth waterways.

Findings

The Commission finds that:

(1) Compliance with the procedures specified in sections 201 and 202 of the CDL and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2, are in the circumstances impracticable and contrary to the public interest.

(2) 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 63, 71 and 73, are amended by adding § 63.46 and by amending §§ 71.6 and 73.1 to read as set forth in Annex A.

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

(c) The Executive Director 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*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-131. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart B. FISHING****CHAPTER 63. GENERAL FISHING REGULATIONS****§ 63.46. Sale, purchase or barter of live snakehead species.**

It is unlawful for a person to sell, purchase, offer for sale or barter live snakehead species in this Commonwealth.

CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS**§ 71.6. Prohibited acts.**

(a) Except as otherwise provided in § 71.7 (relating to triploid grass carp), it is unlawful to introduce or import grass carp (white amur) into this Commonwealth. Except as otherwise provided in § 71.7, it is unlawful to possess grass carp (white amur) in this Commonwealth.

(b) It is unlawful to introduce tilapia, including blue tilapia and tilapia hybrids, into the waters of this Commonwealth.

(c) As an exception to subsection (a), §§ 71.1 and 73.1 (relating to general; and transportation), the Executive Director may authorize the Research Division of the

Bureau of Fisheries to possess grass carp (white amur) and introduce them into waters within the confines of the Commonwealth hatchery system as part of a carefully controlled research effort, subject to conditions as the Executive Director may prescribe.

(d) It is unlawful to possess live snakehead species in this Commonwealth. It is unlawful to introduce or import live snakehead species into the waters of this Commonwealth.

CHAPTER 73. TRANSPORTATION OF LIVE FISH INTO THIS COMMONWEALTH**§ 73.1. Transportation.**

(a) Species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth.

(b) Permission is not required for the importation of tropical fish unless the Commission considers them to be potentially dangerous to native fish species or to man. Permission is not required for the stocking of farm ponds or licensed fee fishing ponds which receive fish stocks from Commonwealth commercial fish hatcheries except for the following kinds of fish: goldfish, golden orfe or fish species not native to this Commonwealth.

(c) Except as provided in § 71.7 (relating to triploid grass carp), transportation of the grass carp (white amur) in this Commonwealth is prohibited.

(d) Transportation of live snakehead species in or through this Commonwealth is prohibited.

[Pa.B. Doc. No. 02-1591. Filed for public inspection September 13, 2002, 9:00 a.m.]

GAME COMMISSION**[58 PA. CODE CH. 135]**

[Correction]

Use of and Permissible Activities on State Game Lands

An error occurred in the preamble to the final rule-making which appeared at 32 Pa.B. 4235, 4236 (August 31, 2002). Although the effective date (February 1, 2003) was correctly stated in the preamble in paragraph 7 (Effective Dates), the order stated that the amendments would take effect upon publication. The correct effective date for those amendments is February 1, 2003.

[Pa.B. Doc. No. 02-1520. Filed for public inspection August 30, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

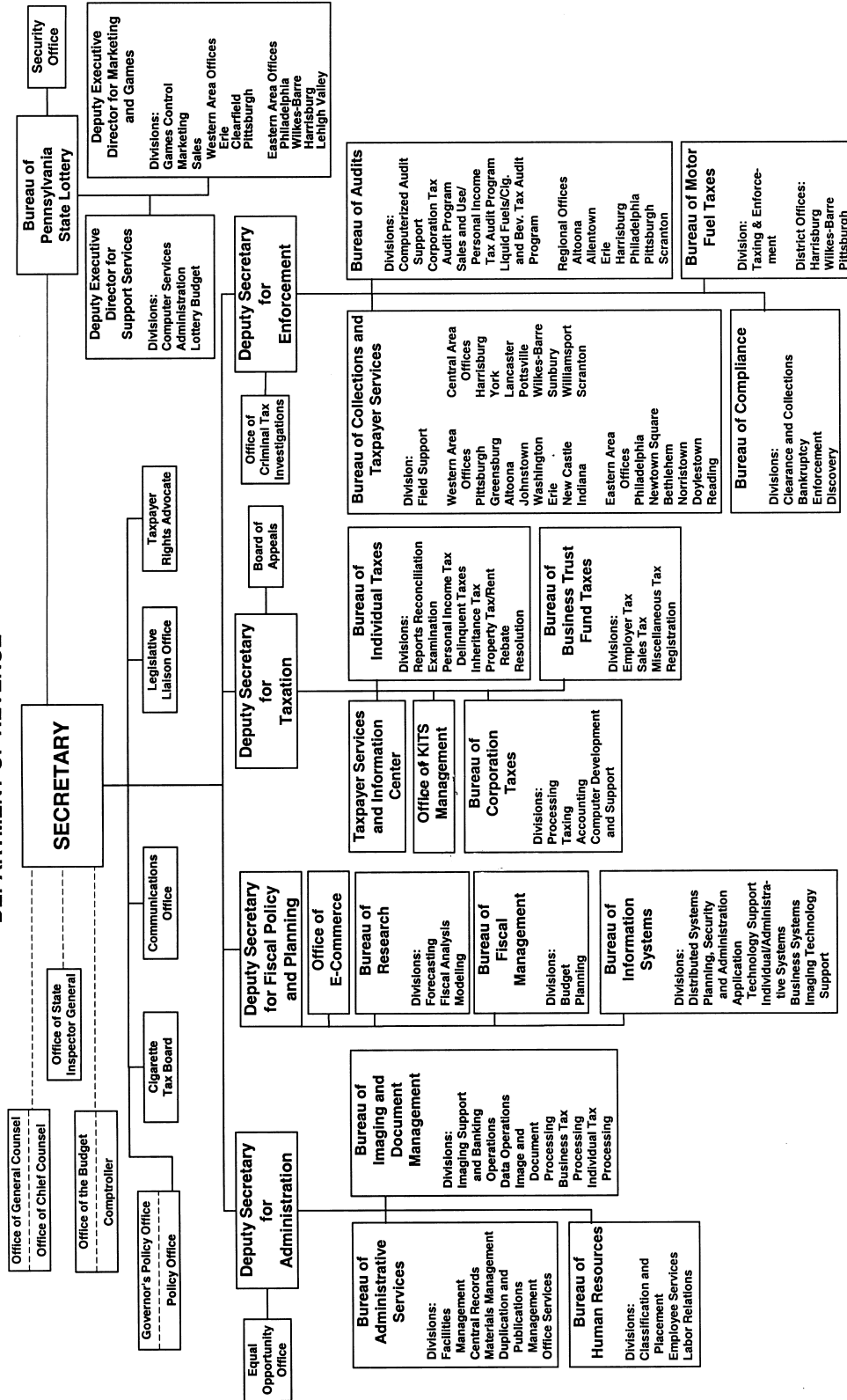
Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective August 27, 2002.

The organization chart at 32 Pa.B. 4488 (September 13, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

DEPARTMENT OF REVENUE



[Pa.B. Doc. No. 02-1592. Filed for public inspection September 13, 2002, 9:00 a.m.]

Title 37—LAW

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

[37 PA. CODE CH. 411]

Schedule of Compensation Limits and Reimbursement Rates for Crime Victims Compensation Program

The Office of Victims' Services (OVS) of the Pennsylvania Commission on Crime and Delinquency (PCCD) is publishing a schedule of compensation limits and reimbursement rates as authorized by section 312(13) of the Crime Victims Act (act) (18 P. S. § 11.312(13)).

The powers and duties of the OVS are set forth in the act as amended by the act of June 28, 2002 (P. L. 496, No. 85) (Act 85).

The OVS has been operating under the regulations originally promulgated by the discontinued Crime Victim's Compensation Board (Board) and set forth in Chapter 191 (relating to general provisions). A proposed rulemaking is being drafted that, when enacted as a final-form rulemaking, will set forth in Chapter 411 (relating to Office of Victims' Services) revised standards for the compensation program. The PCCD anticipates publishing the proposed rulemaking later this year. With the exception of those provisions specifically superseded as set forth in this statement of policy, the Board's regulations will continue to apply generally until a final-form rulemaking is enacted.

Act 85, which became effective on August 27, 2002, changes the rights provided to victims of crime, including the requirements for victim and law enforcement notifications; amends definitions; allows the OVS to establish compensation limits and reimbursement rates; changes requirements on who can file and the time limits for filing; broadens current award maximums and increases the scope and types of benefits available; strengthens the requirements for the confidentiality of records; and sets penalties for those who fail to respond to a request for information and increases penalties against offenders in the adult and juvenile justice systems.

Act 85 also added a provision, in section 708(b) of the act (18 P. S. § 11.708(b)), authorizing the OVS to set a rate at which it will pay a hospital or other licensed health care provider for medical expenses. This provision empowers the OVS, like other third-party payors, to pay less than 100% of a given medical bill, thus preserving the limited resources of the Crime Victim's Compensation Fund and allowing more bills to be paid within the overall \$35,000 statutory maximum of the act.

Section 312(13) of the act (18 P. S. § 11.312(13)) gives the OVS the power "to establish compensation limits and reimbursement rates for the purpose of carrying out the provisions of Chapter 7 [of the act, relating to Compensation]." It further directs the OVS to publish in the *Pennsylvania Bulletin* a schedule of compensation limits and reimbursement rates, provided that, within 2 years of the publication, it promulgates a regulation containing the schedule. With this statement of policy, the OVS is publishing the necessary schedule.

This statement of policy is effective upon publication in the *Pennsylvania Bulletin* and, unless otherwise specified, applies to compensation claims relating to crime injuries occurring on and after August 27, 2002.

(*Editor's Note:* The regulations of the Pennsylvania Commission on Crime and Delinquency are amended by adding §§ 411.101—411.103, to read as set forth in Annex A.)

CAROL LAVERY,
Director

Fiscal Note: 35-27. (1) General Fund; (2) Implementing Year 2002-03 is \$430,289; (3) 1st Succeeding Year 2003-04 is \$481,063; 2nd Succeeding Year 2004-05 is \$531,863; 3rd Succeeding Year 2005-06 is \$531,863; 4th Succeeding Year 2006-07 is \$531,863; 5th Succeeding Year 2007-08 is \$531,863; (4) 2001-02 Program—\$6,046,000; 2000-01 Program—\$6,986,000; 1999-00—\$5,306,000; (7) Crime Victims Reimbursements Act 85 of 2002, and Federal reimbursements are expected to cover the costs of these services. Based on the information provided in the Regulatory Analysis Form, it is our understanding that a portion of the savings generated from the decrease in the medical reimbursement rate would be offset by additional payments to crime victims that normally would not have been able to be made. To the Budget Office's knowledge, these additional costs have not been considered.

Annex A

TITLE 37. LAW

PART VI. COMMISSION ON CRIME AND DELINQUENCY

CHAPTER 411. OFFICE OF VICTIMS' SERVICES

SCHEDULE OF COMPENSATION LIMITS AND REIMBURSEMENT RATES FOR CRIME VICTIMS COMPENSATION PROGRAM

Sec.

411.101. Scope.

411.102. Definitions.

411.103. Schedule of compensation limits and reimbursement rates.

§ 411.101. Scope.

(a) Except as otherwise indicated, this schedule of compensation limits and reimbursement rates applies to claims for compensation relating to crime injuries occurring on or after August 27, 2002.

(b) This chapter supersedes Chapter 191 (relating to general provisions) only to the extent its provisions conflict with Chapter 191.

(c) The maximum rates set forth in this chapter shall include any additional amounts, including taxes and gratuities.

§ 411.102. Definitions.

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

Average weekly wage—The average weekly wage for persons covered by the Unemployment Compensation Law (43 P. S. §§ 751—771) in this Commonwealth as determined periodically by the Department of Labor and Industry.

OVS—The Office of Victims' Services of the Pennsylvania Commission on Crime and Delinquency.

§ 411.103. Schedule of compensation limits and reimbursement rates.

(a) *Medical expenses.*

(1) The OVS will pay a hospital or other licensed health care provider at the rate of 70% of the usual and customary charge for the service rendered.

(2) This rate applies to any bill for services incurred on or after August 27, 2002.

(b) *Travel expenses.* The OVS will reimburse an eligible person as follows for expenses of travel to obtain medical care or counseling, and, in the case of an injury that results in death, for travel in connection with transport of the body:

(1) Meals totaling no more than \$28 per day, with no more than \$6 for breakfast, \$6 for lunch and \$16 for dinner.

(2) Lodging to a daily maximum of \$75.

(3) Private vehicle usage at mileage rate currently paid by the Commonwealth to its own employees for travel.

(4) Vehicle rental to a daily maximum of \$50.

(5) Payment of driver needed as result of crime to maximum hourly rate of \$8.

(6) Common carrier fares in full.

(7) Meals and lodging reimbursement is limited to trips of 50 miles or more from the eligible person's home.

(8) In claims involving death, the OVS will reimburse travel expenses for no more than two persons, including a person designated by the family or person who pays for the funeral.

(c) *Funeral expenses.*

(1) Except as otherwise set forth in this subsection, the OVS will reimburse a maximum of \$5,000 in total for expenses relating to a funeral of a direct victim or intervenor. Within this overall limitation, the following specific limitations apply:

(i) \$4,800 for funeral services, including cremation, and interment.

(ii) \$900 for a monument.

(iii) \$300 for floral arrangements.

(iv) \$300 for funeral or memorial meal.

(v) \$175 for clothing purchased for the deceased for the funeral or interment.

(2) Reimbursement will not be made for alcoholic beverages.

(3) In addition to the maximum of \$5,000 as set forth in paragraph (1), the OVS may pay one claimant up to 1 week's net loss of earnings, not to exceed the average weekly wage, if the claimant was not otherwise reimbursed for the loss of earnings.

(d) *Replacement of personal health-related items damaged or stolen as a result of a crime.*

(1) Except as otherwise set forth in this subsection, the OVS will reimburse the costs to a maximum of \$1,000 for the replacement of each prosthetic device, wheelchair, cane, walker, hearing aid, eyeglasses or other corrective lenses, dental device or prescription medications.

(2) Reimbursement for eyeglass frames shall be limited to \$200.

(e) *Home maintenance expenses.*

(1) The OVS will provide reimbursement for the cost of obtaining services such as laundering, cleaning, child care, administration of medication, food shopping and meal preparation needed as a result of the crime.

(2) Members of the family of the direct victim or intervenor engaged to perform the services will be paid their net loss of earnings not to exceed the average weekly wage and if not otherwise reimbursed for the loss of earnings.

(3) Individuals engaged to perform services who are not family members will be paid a maximum hourly rate of \$8.

(f) *Relocation expenses.*

(1) The OVS will provide reimbursement for expenses incurred by the temporary or permanent relocation of a direct victim and individuals residing in the direct victim's household when immediate relocation is necessary to protect their health and safety.

(2) Reimbursement will not be made unless the immediate need for relocation is verified by a medical provider, human services provider, or law enforcement.

(3) Expenses to be reimbursed are as follows:

(i) Lodging to a daily maximum of \$75.

(ii) Rental of substitute living quarters.

(iii) Utility connection fees.

(iv) Rental of a passenger vehicle for a total daily maximum of \$50.

(v) Private vehicle usage at mileage rate currently paid by the Commonwealth to its own employees for travel.

(vi) Common carrier fares.

(vii) Moving company charges or van rental.

(viii) Tolls and parking expenses.

(ix) Rental of post office box.

(x) Charges for storage of personal belongings.

(xi) Child care expenses.

(4) For each crime incident, reimbursement for relocation expenses is limited to a maximum of \$1,000 per household.

(g) *Forensic rape examination.*

(1) The OVS will reimburse a maximum of \$1,000 to a hospital or other licensed health care provider for a forensic rape examination and medications directly related to the sexual assault or rape.

(2) The reimbursement will not include expenses for analyzing collected evidence for DNA or presence of Rohypnol or other similar drugs.

(3) This reimbursement will not be limited by the overall statutory maximum of \$35,000 per claim.

(4) Claims shall be filed with OVS no later than 1 year after the date of the crime.

(h) *Costs of cleaning the crime scene of a private residence.*

(1) The OVS will reimburse a maximum of \$500 for the costs of cleaning the crime scene of a private residence.

(2) Reimbursement shall be limited to expenses of cleaning blood or other stains caused by the crime or dirt or debris resulting from the processing of the crime scene.

(3) This reimbursement will not be limited by the overall statutory maximum of \$35,000 per claim.

(i) *Counseling.*

(1) The OVS will pay expenses of counseling performed by or under the supervision of a psychiatrist, psychologist, licensed professional counselor or licensed social worker to claimants as follows:

(i) A maximum of \$10,000 in total expenses of a direct victim who was under 18 years of age upon the occurrence of the crime.

(ii) A maximum of \$5,000 in total expenses of a direct victim who was 18 years of age or older upon the occurrence of the crime.

(iii) A maximum of \$5,000 in total expenses of any of the following individuals affected by the homicide of a direct victim:

(A) One responsible for the welfare of the direct victim.

(B) One related in the second degree of consanguinity or affinity to the direct victim.

(C) One maintaining a common-law relationship with the direct victim.

(D) One residing in the same household with the direct victim.

(E) One engaged to be married to the direct victim.

(iv) A maximum of \$2,500 in total expenses of any of the individuals described in subparagraph (iii) affected by a crime against a direct victim that is not a homicide.

(v) A maximum of \$1,500 in total expenses of either of the following individuals:

(A) One who is physically present at a crime scene and witnesses a violent crime.

(B) One who discovers the body in a homicide.

(2) For counseling expenses relating to a homicide, the OVS may not reduce the amount of the award or deny the reimbursement due to the conduct of the direct victim.

(3) This reimbursement will not be limited by the overall statutory maximum of \$35,000 per claim.

(j) *Emergency awards.* The OVS may make a maximum award of \$1,500 in a claim that appears to the OVS to have merit and in which undue hardship will result to the claimant if immediate payment is not made.

(k) *Hearing related expenses.*

(1) The OVS will reimburse claimants \$20 per day for attendance at a hearing directed by the OVS in connection with the claim. Additional expenses will be reimbursed as follows:

(i) Private vehicle usage at mileage rate currently paid by Commonwealth to its own employees for travel.

(ii) Common carrier fares when preapproved by the OVS.

(iii) Lodging the night before or the night after a hearing session, to a daily maximum of \$75, if the claimant must travel at least 50 miles from home for the hearing.

(2) Reimbursement provisions in this subsection apply to hearings that occur on or after August 27, 2002.

(l) *Representation by attorney.*

(1) Subject to the limitations of this subsection, the OVS may reimburse an attorney representing a claimant a maximum rate of \$75 per hour spent in the preparation of and presentation of a claim that is awarded.

(2) Reimbursement provisions in this subsection apply to services rendered on or after August 27, 2002.

(3) Reimbursements shall be in addition to the award made to the direct victim, but may not exceed 15% of that award.

(4) Reimbursements shall be limited to services rendered prior to the date of the award, and shall be supported by an affidavit from the attorney that details the services performed, amount of time spent on each service and costs.

[Pa.B. Doc. No. 02-1593. Filed for public inspection September 13, 2002. 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Farm Safety and Occupational Health (FSOH) Grant Program for FY 2003. Grant applications will be accepted at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408, from August 30, 2002, to October 30, 2002. Applications must be postmarked by October 30, 2002, to be considered for funding.

The FSOH Grant Program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (act) (3 P.S. §§ 1901—1915), effective February 10, 1995. The FSOH Grant Program is funded through a specific appropriation provided for in the act. For guidelines, see the FSOH Grant Program Guidelines.

The FSOH Grant Program will award financial assistance of up to \$2,500 to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria set forth in the statement of policy.

Obtaining Applications

Applications are available upon request by contacting Shiree Hunter, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202, fax (717) 783-3275.

For further assistance, contact Phillip Pitzer, Department of Agriculture, Bureau of Plant Industry, 2301

North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5206.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 02-1594. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 25, 2002, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 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. 02-1595. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0036439 (Minor Renewal)	Department of Public Welfare White Haven Center R. R. 2, Box 2195 White Haven, PA 18661	Foster Township Luzerne County	Linesville Creek 2A	Y
PA0070289 (Minor Renewal)	Pinebrook II, A Limited Partnership P. O. Box 218 Orwigsburg, PA 17961	West Brunswick Township Schuylkill County	Pine Creek 3A	Y
PA0060551 (Minor)	Little Washington Wastewater Company 762 West Lancaster Ave. Bryn Mawr, PA 19010	Tunkhannock Township Wyoming County	North Branch Susquehanna River	Y

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>
PA0084107	Cycle Chem, Inc. 550 Industrial Drive Lewisberry, PA 17339-9537	York County Fairview Township	UNT to Fishing Creek 7-E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101150	Seven Seas Financial Association R. R. 8, Box 7 DuBois, PA 15801	Clearfield County Sandy Township	Gravel Lick Run 17C	Y
PA0111368	Jersey Shore Area School District 175 A & P Drive Jersey Shore, PA 17740	Lycoming County Mifflin Township	Larrys Creek 10A	Y
PA0112810	Robert Shank, Ronald Butler, Joseph Zisman, LLP Kipp's Run Mobile Home Park 700 Campbell Street Williamsport, PA 17701-3104	Northumberland County Riverside Borough	Kipp's Run 5E	Y
PA0113166	Lois Bausinger 67 Academy Road Cogan Station, PA 17728	Lycoming County Hepburn Township	Mill Creek 10A	Y

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

PA0102555, Sewage, **Eric G. Elmquist**, Box 103A Silver Creek Road, Johnsonburg, PA 15845. This proposed facility is located in Jones Township, **Elk County**.

Description of Proposed Activity: discharge of treated sewage.

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 Clarion District Pennsylvania—American Water Company and the Clarion River located at River Mile 40.96, 64.143 miles below point of discharge.

The receiving stream, UNT to Silver Creek, is in watershed 17-A and classified for HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitoring Only		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0210811, Sewage, **Hyland MHP**, P. O. Box 526, New Bedford, PA 16140. This proposed facility is located in Pulaksi Township, **Lawrence County**.

Description of Proposed Activity: an existing discharge of treated sewage.

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 Western Pennsylvania Water Company—New Castle District intake on the Shenango River located at New Castle, 15 miles below point of discharge.

The receiving stream, unnamed tributary to Deer Creek, is in watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0045 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	1.5		3.3
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

PA0102768, Sewage, **Penncrest School District—Maplewood Jr.-Sr. High School**, 30383 Guys Mills Road, Guys Mills, PA 16327. This proposed facility is located in Randolph Township, **Crawford County**.

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

The receiving stream, unnamed tributary to Woodcock Creek, is in watershed 16-A and classified for HQ-WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at River Mile 2.17, approximately 55.11 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.018.

<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)	20		40
(11-1 to 4-30)	25		50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	5.5		11
(11-1 to 4-30)	16.5		33
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,700/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen		Minimum of 5 mg/l at all times.	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0002381, Industrial Waste, **Honeywell Allied Signal—Emlenton Plant**, 1001 Hill Street, Emlenton, PA 16373. This proposed facility is located in Emlenton Borough, **Venango County**.

Description of Proposed Activity: discharge of stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Water Company and the Allegheny River located at Emlenton, 0.5 mile below point of discharge.

The receiving stream, Allegheny River, is in watershed 16-G and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001—004 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
BOD ₅	XX		
Total Suspended Solids	XX		
Ammonia Nitrogen	XX		
Oil and Grease	XX		
Total Phenols	XX		
Sulfide	XX		
pH			6.0 to 9.0 standard units at all times

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

PA0024856, Sewage, **Taylor Township Sewer Authority**, P. O. Box 489, Industrial Street, West Pittsburgh, PA 16160-0489. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Activity: Renewal of a treated minor discharge for a publicly owned sewage treatment works.

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 Beaver Falls Municipal Authority located at River Mile 3.76, 14.9 miles below the point of discharge.

The receiving stream Beaver River, is in watershed 20-B and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH			6.0 to 9.0 standard units at all times

The EPA Waiver is in effect.

PA0221872, Industrial Waste, **Universal Stainless and Alloy Products**, 121 Caldwell Street, Titusville, PA 16354. This proposed facility is located in Titusville, **Crawford County**.

Description of Proposed Activity: existing discharge of noncontact cooling water and Group 1 Stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is The Emlenton Water Company and the Allegheny River located at Emlenton, approximately 48 miles below point of discharge.

The receiving stream, Oil Creek Outfalls 001, 006 and 007 and Church Run Outfall 005, is in watershed 16E and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 005 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfalls 006 and 007 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist of stormwater runoff only.			

The EPA Waiver is in effect.

PA0102679, Sewage, **Runamuck Camping Area**, 8896 US Highway 6, Conneaut Lake, PA 16316. This proposed facility is located in Sadsbury Township, **Crawford County**.

Description of Proposed Activity: Renewal of a treated minor discharge from an existing sewage treatment works.

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 City of Franklin's intake on French Creek located at Franklin, approximately 30 miles below point of discharge.

The receiving stream, unnamed tributary to Conneaut Lake, is in watershed 16-D and classified for HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.008 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		12
Total Residual Chlorine	1.5		3.5
Fecal Coliform			
(10-1 to 4-30)		2,000/100 ml as a geometric average	
(5-1 to 9-30)		200/100 ml as a geometric average	
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0100129, Sewage, **Seneca Hills Bible Conference**, 276 Damascus Road, Polk, PA 16342. This proposed facility is located in Victory Township, **Venango County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Municipal Water Authority intake on the Allegheny River located at Emlenton, approximately 24 miles below point of discharge.

The receiving stream, Sandy Creek, is in watershed 16-G and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.017 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	
Total Residual Chlorine	1.2		2.8
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0101052, Industrial Waste, **Municipal Authority of the Borough of Union City**, 12 South Main Street, Union City, PA 16438. This proposed facility is located in Union Township, **Erie County**.

Description of Proposed Activity: The applicant discharges filter backwash and sedimentation basin blowdown from a water filtration plant.

The receiving stream, Bentley Run, is in the French Creek watershed and classified for CWF.

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 Cambridge Springs Borough on French Creek, located approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1037 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
Iron (total)	2		4
Aluminum (total)	0.89		1.78
Manganese (total)	1		2
Total Residual Chlorine	0.13		0.2
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect

PA0209864, Sewage, **Erie Petroleum, Inc.—Holiday Mart #99**, 6321 Sterrettania Road, Fairview, PA 16415. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Activity: The applicant discharges treated domestic sewage from restrooms in a commercial establishment.

The receiving stream, unnamed tributary to Thomas Run, is in Lake Erie watershed and classified for HQ-CWF, migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply considered during the evaluation is Lake Erie and the City of Erie, located approximately 9 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0012 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.50		1.2
Phosphorus	1.0		
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0035505, Sewage, **Faith Builders Educational Program**, P. O. Box 127, Guys Mills, PA 16327. This proposed facility is located in Randolph Township, **Crawford County**.

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

The receiving stream, unnamed tributary to Woodcock Creek, is in watershed 16-A and classified for HQ-CWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the City of Franklin on French Creek located at River Mile 2.17, 54.76 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.018 mgd.

<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)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 9-30)	1.5		3.0
(10-1 to 4-30)	4.5		9.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		28,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0100650, Sewage, **Forrest Brooke MHP**, 7266 West Market Street, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Activity: renewal of a treated sewage discharge.

The receiving stream, unnamed tributary to Magargee Run, is in watershed 20-A and classified for WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Sharpsville Municipal Water Company intake on the Shenango River located at Sharpsville, approximately 12 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.072 million gallons per day are:

<i>Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		25		50
Total Suspended Solids		30		60
Ammonia-Nitrogen				
(5-1 to 10-31)		1.5		3.0
(11-1 to 4-30)		4.5		9.0
Fecal Coliform				
(5-1 to 9-30)			200/100 ml as a geometric average	
(10-1 to 4-30)			2,000/100 ml as a geometric average	
Total Residual Chlorine		0.21		0.5
Phosphorus (as P)		1		2
Dissolved Oxygen	5			
pH		6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0210803, Sewage, **Star Route Estates—MHP**, 11012 Star Route, Guys Mills, PA 16327. This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Activity: discharge of treated sewage.

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 Franklin General Authority intake on French Creek located at Franklin, 30 miles below point of discharge.

The receiving stream, an unnamed tributary to Little Sugar Creek, is in watershed 16-D and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0115 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.
The EPA Waiver is in effect.

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

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

PA0062626, Industrial Waste, **Federal-Mogul Corporation**, 26555 Northwestern Highway, Southfield, MI 48034. This proposed facility is located in Weatherly Borough, **Carbon County**.

Description of Proposed Activity: The receiving stream, Hazle Creek, is in the State Water Plan watershed #2B and classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Lehigh Water Authority located on the Lehigh River is approximately 12 river miles below the point of discharge.

The proposed effluent limits for Outfall 101 is based on a design flow of 0.208 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Methylene Chloride	Minimum			
	95% removal			
Tetrachloroethylene	Minimum			
	95% removal			
1,1,1-Trichloroethane	Minimum			
	95% removal			
Trichloroethylene	Minimum			
	95% removal			

Outfalls 001 and 002:

There are no discharge limitations or monitoring requirements for these outfalls—001 is for stormwater and treated groundwater from Outfall 101 and 002 is for stormwater only.

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

Application No. PA0111350, Sewage, **Borough of Petersburg**, P. O. Box 6, Petersburg, PA 16669-0006. This facility is located in Logan Township, **Huntingdon County**.

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

The receiving stream, Shaver Creek, is in Watershed 11-B and classified for HQ-CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Water Authority is located on Juniata River, approximately 90 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 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
Suspended Solids	30	45	60
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		67,000/100 ml as a geometric average	
(10-1 to 4-30)			

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. PA0246719, CAFO, **Rodney Metzler (Pleasant View Farms, Inc.)**, R. D. 1, Box 124, Martinsburg, PA 16662.

Rodney Metzler has submitted an application for an Individual NPDES permit for an existing CAFO known as Pleasant View Farms, at the following locations:

Name	Municipality	County	Nearest Stream	Watershed	Classification
Home Farm	North Woodbury Township	Blair	UNT to Plum Creek	11-A	WWF
Metzker Farm	North Woodbury Township	Blair	UNT to Cove Creek	11-A	WWF
Forshey Farm	Martinsburg Borough	Blair	UNT to Cove Creek	11-A	WWF
Steer Farm	Taylor Township	Blair	UNT to Plum Creek	11-A	WWF
Mowery Farm	Bloomfield Township	Bedford	Halter Creek	11-A	WWF

The CAFO is designed to maintain an animal population of approximately 2,968 AEU's consisting of 1,665 cows, 775 large heifers, 150 small heifers, 60 steers and 2 horses. The animals are housed in freestall barns. Manure at the home farm is stored under an underhouse slatted floor for the milking facility with a capacity of 4.27 million gallons and an earthen lagoon for the heifer freestall barns with a capacity of .367 million gallons. Manure at the Metzker Farm is stored in an earthen lagoon with a capacity of .515 million gallons. Manure at the Mowery Farm is stored in an earthen lagoon with a capacity of 1.452 million gallons. Manure at the Forshey Farm and the Steer Farm is stacked and packed. The total capacity of the manure storage facilities is 6.604 million gallons.

A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

PA0228508, Sewage, SIC 4952, **Huston Township Authority**, P. O. Box 40, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Activity: Issuance of an NPDES permit for the sewage treatment facility to serve the Village of Mazeppa.

The receiving stream, Bald Eagle Creek, is in the State Water Plan watershed 9C and is classified for TSF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company at Milton, PA is located on the West Branch Susquehanna River 90 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25			50
TSS	25			50
TRC	1.0			2.3
pH		6.0 to 9.0 at all times		
Fecal Coliforms (5-1 to 9-30)		200/100 mL as geometric average		
(10-1 to 4-30)		2,000/100 mL as geometric average		

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

PA0219266, Sewage, **Colonial Joint Sewage Authority**, 225 Twin Hills Road, Grindstone, PA 15442. This application is for issuance of an NPDES permit to discharge treated sewage from Grindstone Sewage Treatment Plant in Jefferson Township, **Fayette County**.

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

Outfall 001: new discharge, design flow of 0.16 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	5,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219274, Sewage, **Adelphoi, Inc., Paschal Center**, 352 Main Street, Latrobe, PA 15650. This application is for issuance of an NPDES permit to discharge treated sewage from Greystone House STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Coal Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Manufacturer's Water Company (Greater Johnstown Water Authority) on Quemahoning Reservoir.

Outfall 001: new discharge, design flow of 0.00125 mgd.

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

The EPA waiver is in effect.

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

PA0238805, Sewage, **Northwest Savings Bank**, Bon Air Road off Highway 646, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Activity: A new Part I Permit for a new discharge of treated sewage.

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 PA/NY line on Tunungwant Creek, approximately 6 miles below point of discharge.

The receiving stream, unnamed tributary to Pennbrook Run, is in watershed 16-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	Flow (MGD)	XX	
CBOD ₅	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	1.4		3.3
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA Waiver is in effect.

PA0005061, Amendment No. 1, Industrial Waste, **Orion Power Midwest, L.P.—New Castle Power Plant**, P. O. Box 891, New Castle, PA 16103. This proposed activity is located in Taylor Township, **Lawrence County**.

Description of Proposed Activity: discharge of treated industrial waste, noncontact cooling water, Group 1 and Group 2 Stormwater. This amendment is to add a new source of industrial waste, which will be treated and discharged via existing Outfalls 004 or 005. This is a truck washing wastewater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Beaver Falls Municipal Authority—Eastvale Plant and the Beaver River located at Eastvale, 16 miles below point of discharge.

The receiving streams, Beaver River and McKee Run, are in watershed 20-B and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 004 and 005 are based on a design flow of 1.0 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
Total Suspended Solids	30	100	
Oil and Grease	15	20	30
Iron	3.5	7.0	8.75
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is not 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 an application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

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

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

WQM Permit No. 4602410, Sewerage, **Upper Moreland Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation to replace the Hatboro sanitary sewer interceptor.

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

WQM Permit No. 3602412, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction of a wastewater treatment plant.

WQM Permit No. 2202406, Sewerage, **West Hanover Township Water and Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization for the construction of sanitary sewer pump station and force main.

WQM Permit No. 0602407, Sewerage, **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041-1509. This proposed facility is located in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction of an aerated/facultative lagoon and upgrade an existing sprayfield.

WQM Permit No. 3602203, Industrial Waste, **Armstrong World Industries, Inc.**, 2500 Columbia Avenue, P. O. Box 3001, Lancaster, PA 17604. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/installation of a new secondary biological wastewater treatment plant at the Marietta Ceiling Plant.

WQM Permit No. 6702205, Industrial Waste, **Kinsley Concrete**, 629 Loucks Mill Road, York, PA 17403. This proposed facility is located in Spring Garden Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of an industrial waste treatment plant to for wastewater and stormwater to discharge into Poorhouse Run.

WQM Permit No. 3602202, CAFO Operation, **Ronald Kreider, Noah W. Kreider and Sons**, 1461 Lancaster

Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion of the existing spray field, the proposal is to add an additional 6 wetable acres to the spray field with no additional increase in volume.

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

WQM Permit No. 5902409, Sewerage 4952, **Duncan Township Supervisors**, P. O. Box 908, Wellsboro, PA 16901. This proposed facility is located in the Village of Antrim, Duncan Township, **Tioga County**.

Description of Proposed Action/Activity: Construction of a wastewater collection and treatment system that includes 15,000 LF of conventional gravity sewer, 3,000 LF of forcemain sewer, two major pump stations, three residential grinder pump stations and a 0.030 MGD RBC wastewater treatment facility.

WQM Permit No. 4902405, Sewerage, **Upper Augusta Township Municipal Authority**, R. R. 1 Box 310C, Sunbury, PA 17801. This proposed facility is located on Packer Island, Upper Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: the applicant purposes to construct sewers to serve Packer Island along SR 147 between the City of Sunbury and Northumberland Borough. Waste generated from this project will be treated at the Northumberland Sewer Authority wastewater treatment plant.

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

WQM Permit No. 4201201, Industrial Waste, **American Refining Group, Bradford Refinery**, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in Bradford City, **McKean County**.

Description of Proposed Action/Activity: The project is for the upgrade of an existing wastewater treatment facility.

WQM Permit No. 1002412, Sewerage, **Jester Venture, L. P.**, 108 Lakeland Drive, Mars, PA 16046. This proposed facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and gravity sewers to serve a proposed residential development.

WQM Permit No. 4302413, Sewerage, **Roger A. Kwiatkowski**, 675 Clay Furnace Road, Sharpsville, PA 16150. This proposed facility is located in Clark Borough, **Mercer County**.

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

WQM Permit No. 4302414, Sewerage, **Thomas J. Kosick**, 1125 Slippery Rock Road, Grove City, PA 16127. This proposed facility is located in Liberty Township, **Mercer County**.

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

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary

review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices 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 PAS10G541, Stormwater, **David Nelson**, 960 Street Road, Oxford, PA 19363, has applied to discharge stormwater associated with a construction activity located in Upper Oxford Township, **Chester County** to West Branch Big Elk Creek (HQ-TSF-MF).

NPDES Permit PAS10G542, Stormwater, **All County Properties, Inc.**, Suite 610, 2500 East High Street, Pottstown, PA 19464 has applied to discharge stormwater associated with a construction activity located in East Coventry Township, **Chester County** to unnamed tributary to Pigeon Creek (HQ-TSF).

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

Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.

NPDES Permit PAS101028, Stormwater, **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907, has applied to discharge stormwater associated with a construction activity located in East Taylor Township, **Cambria County** to Saltlick Run (HQ-CWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 0902507, Public Water Supply.

Applicant	Schoolhouse Learning Center
Township	Upper Southampton
Responsible Official	Lawrence J. Schwartz 131 Second Street Pike Southampton, PA 18966
Type of Facility	PWS
Application Received Date	August 22, 2002
Description of Action	Installation of carbon filters for the removal of VOCs

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

Permit No. 0402501, Public Water Supply.

Applicant	Beaver Falls Municipal Authority 1425 Eighth Avenue Beaver Falls, PA 15010
Township or Borough	Beaver Falls
Responsible Official	Jim Stevenson, Production Manager Beaver Falls Municipal Authority 1425 Eighth Avenue Beaver Falls, PA 15010
Type of Facility	Tank
Consulting Engineer	US Engineering, LLC 4 Sunrise Court Highland, IL 62249
Application Received Date	August 26, 2002
Description of Action	Repainting of Oak Hill Tank

MINOR AMENDMENT

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

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

Application No. 1502507, Minor Amendment.

Applicant	Superior Water Company
Township	North Coventry
Responsible Official	David J. Milan 2960 Skippack Pike Worcester, PA 19490-0127
Type of Facility	PWS
Consulting Engineer	Superior Environmental Management Corporation P. O. Box 127 Worcester, PA 19490
Application Received Date	August 21, 2002
Description of Action	Installation of a fourth pump

Application No. 4602503, Minor Amendment.

Applicant	Schwenksville Borough Authority
Borough	Schwenksville
Responsible Official	Edward R. Beitler P. O. Box 467 Schwenksville, PA 19473
Type of Facility	PWS
Consulting Engineer	ARRO Consulting, Inc. 649 N. Lewis Road Suite 100 Limerick, PA 19468
Application Received Date	August 28, 2002
Description of Action	Construction of a 100,000 gallon tank to replace an existing 80,000 gallon tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Proposed Allentown Tower Property (former Union Carbide/Linde Gases property), City of Allentown, **Lehigh County**. William F. Schmidt, P. E., Manager, Environmental Services, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 submitted a revised NIR (on behalf of Trainer Enterprises, Inc., 219 North 9th Street, Allentown, PA) concerning the remediation of site soils contaminated with select PCBs, lead, arsenic, mercury and benzo(a)pyrene. The applicant proposes to remediate the site to meet the site-specific standard using residential exposure assumptions. A Final Report for this site was approved on April 18, 2002, for the site-specific standard using nonresidential exposure assumptions. A summary of the Notice of Intent to Remediate was expected to be published in Allentown's *The Morning Call* on or about August 12, 2002.

Earlin Property Release (Former Milford Chrysler), Milford Borough, **Pike County**. Salvatore Sciascia, President, S&M Management, Inc., P. O. Box 1429, 522 Route 6 and 209, Milford, PA has submitted a Notice of Intent to Remediate (on behalf of Bruce Earlin, Cummings Hill Road, Milford, PA 18337) concerning the remediation of site soils found or suspected to be contaminated with leaded gas petroleum products. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

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

Fresh Express, Inc., Greencastle Borough, **Franklin County**. Clayton Group Services, Raritan Center, 160 Fieldcrest Avenue, Edison, NJ 08837, on behalf of Fresh Express, Inc., 104 Commerce Avenue, Greencastle, PA 17225, submitted a Notice of Intent to Remediate site soils contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Echo Pilot Newspaper* on August 21, 2002.

Berkshire Court Lots 2 and 3, Wyomissing Borough, **Berks County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Thun Partnership, 17 East Meadow Avenue, Robesonia, PA 19551 and Rockwell Automation Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents and other organics. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on August 23, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 301077. Clean Harbors PPM LLC, 4105 Whitaker Ave. NW, Philadelphia, PA 19124, **Philadelphia County**. Application for the reissuance of the waste transfer permit from Safety Kleen PPM, Inc. to Clean Harbors PPM LLC. The application was received by the Southeast Regional Office on August 23, 2002.

Permit Application No. 301165. Emanuel Tire of Pa Inc., 1251 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. The application is for reissuance and modification of the Domino Salvage Tire facility. The application was received by Southeast Regional Office on August 29, 2002.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR037D002. WPS Empire State Inc., 1088 Springhurst Dr., Green Bay, WI 54304-5495. The beneficial use of ash generated from the burning as a fuel of a mixture of petroleum coke and coal in a circulating fluidized bed boiler for use in reclamation activities on disturbed land at permitted mine sites regulated under the Department's Bureau of Mining and Reclamation (Bureau) and at abandoned mine sites reclaimed under a contract with the Bureau or with another governmental agency. The application for determination of applicability was determined to be administratively complete by the Division of Municipal and Residual Waste on August 26, 2002.

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

AIR QUALITY

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 mate-

rials 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 the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

55-00001B: Sunbury Generation, LLC (1088 Springhurst Drive, Greenbay, WI 54304-5495) for construction of an ash silo and associated ash truck and railcar loading operations and associated air cleaning device (a fabric collector) in Shamokin Dam Borough and Monroe Township, **Snyder County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

04-00235D: Pennsylvania Power Co. (P. O. Box 128, Shippingport, PA 15077) for installation of devices (sodium bisulfite injection systems) to remove SO₃ emissions from the flue gas at Bruce Mansfield Plant in Shippingport Borough, **Beaver County**.

26-00547A: Mypodiamond, Inc. (1101 Mt. View Drive, Smithville, PA 15478) for construction of industrial diamond processing facility at Fayette Business Park in Georges Township, **Fayette County**.

11-00356A: Dominion Peoples Natural Gas Co. (625 Liberty Avenue, Pittsburgh, PA 15222) for installation of glycol dehydration system/gas fired heater at Rager Mt./Laurel Ridge Station in Jackson Township, **Cambria County**.

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

37-307B: Slippery Rock Salvage (214 Gardner Avenue, Slippery Rock, PA 16057) for installation of two water-filled cutting tables at the New Castle Yard in the City of New Castle, **Lawrence County**.

62-141E: NFG—Roystone Compressor Station (Star Route Box 574, Sheffield, PA 16347) for installation of two flares on two tri-ethylene glycol dehydrator stills in Sheffield Township, **Warren County**. The facility is a Title V Facility.

25-995A: Alliance Plastics, Inc. (2614 McClelland Avenue, Erie, PA 16510) for post-construction plan approval of existing surface coating operations in the City of Erie, **Erie County**.

37-248E: US Can Co. (1902 Old Butler Road, New Castle, PA 16101) for installation of an air cleaning device (replacement of catalytic thermal oxidizer with a regenerative type in New Castle, **Lawrence County**. US Can Co. is a Title V facility.

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

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

23-00009: Boeing Aircraft and Military System Group (P. O. Box 16858, Philadelphia, PA 19142) for an administrative amendment to their Title V Operating Permit to incorporate 40 CFR Part 63 Subpart JJ, National Emissions Standards for Wood Furniture Manufacturing Operations Applicability, 25 Pa. Code § 129.63, degreasing operations and the change in method of compliance for 40 CFR Part 63 Subpart T for their facility in Ridley Township, **Delaware County**. The facility's major emission points include boilers, generators, spray booths, vapor degreasers and miscellaneous cold degreasers. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

09-00076: Cortex Corp. (200 Rock Run Road, Fairless Hills, PA 19030) for an administrative amendment to their operating permit to incorporate changes approved under Plan Approval No. 09-399-040 in Falls Township, **Bucks County**. The facility's major emission points include a boiler, make-up air units, urethane foam plant and toluene diisocyanate tanks. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

46-00019: Lockheed Martin Corp. (Bldg. 10, Room 2164, P. O. Box 8048, Philadelphia, PA 19101-8048) for an administrative amendment to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes under Operating Permit Nos. 46-0030A and 46-302-213 in Upper Merion Township, **Montgomery County**. The facility's major emission points include boilers, generators and small miscellaneous

VOC sources. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

19-318-017A: Kawneer Co., Inc. (500 East Twelfth Street, Bloomsburg, PA 17815) for construction of four surface coating spray booths in Bloomsburg, **Columbia County**, as well as the modification of a surface coating operation to increase the operation's throughput. The air contaminant emissions from the spray booths and the coating operation will be controlled by a total enclosure, a particulate matter filter system and a thermal oxidizer. This plant is a minor facility.

The information provided by the applicant, as well as the Department's own analysis, indicates that construction of the new spray booths and modification of the coating operation will potentially result in an increase of 34.2 tons of VOCs per year. Additionally, the facility may emit as much as 10 tons of a single hazardous air pollutant and 25 tons of a combination of hazardous air pollutants per year.

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

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

The spray booths shall be equipped with electrostatic spray type technology to apply surface coatings. The spray booths shall be equipped with 2-stage type particulate matter filters. The atmosphere of the total enclosure shall be maintained at negative pressure. The capture efficiency of the total enclosure shall be equal to or greater than 90%. The destruction efficiency of the thermal oxidizer shall be equal to or greater than 95%. The thermal oxidizer shall be maintained at temperature of at least 1,600°F whenever the surface coating operation is in operation or cleanup is being performed.

No chlorinated coatings or solvents shall be used.

Spray guns, lines and the like shall be cleaned by either flushing/spraying into appropriate recovery receptacles or soaking equipment in closed containers. The use of solvent laden rags to wipe down equipment is also acceptable as long as the rags are stored in closed containers after use until properly disposed of. Solvent laden rags shall not be treated by allowing solvents to evaporate unnecessarily.

The total combined VOC emissions from the entire facility shall not exceed 49 tons per year. The total combined emission of any single hazardous air pollutant from the entire facility shall not equal or exceed 10 tons per year. Additionally, the total combined emission of all hazardous air pollutant from the entire facility shall not equal or exceed 25 tons per year.

Records shall be kept of the amount of each coating and solvent used each month. These records shall list the type and amount of each VOC and hazardous air pollutant contained in each coating and solvent.

Stack testing shall be performed to determine the capture efficiency of the total enclosure and the destruction efficiency of the thermal oxidizer.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

01162: Sunoco, Inc. (R and M) (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of a backup tail gas unit in the 867 Sulfur Recovery Plant in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. No net increase in emissions is anticipated due to installation of this air-cleaning device. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

01166 and 02110: Children's Hospital of Philadelphia (34th Street and Civic Center Boulevard, Philadelphia, PA 19104) for installation of three 800 hp boilers, two 2,000 kW and one 600 kW emergency generators and to convert two 1,081 hp emergency generators to peak shaving generators in the City of Philadelphia, **Philadelphia County**. The NO_x emissions from the facility will increase 15.47 tons per year. This is a Synthetic Minor facility which will become a Title V facility with these installations. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02113: EI DuPont De Nemours and Co., Inc. (3401 Grays Ferry Avenue, Philadelphia, PA 19146) for installation of a chiller with two natural gas fired 180 hp internal combustion engines in the City of Philadelphia, **Philadelphia County**. This is a Synthetic minor facility. The chiller will use nonselective catalytic reduction for NO_x control. NO_x emissions are expected to be 0.4 pound per hour. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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.

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

24-00120: Dominion Transmission, Inc.—Ardell Station (SR 2004, St. Marys, PA 15857) for operation of a natural gas-fired combustion turbine, two small natural gas-fired boilers, a small natural gas-fired auxiliary generator, several miscellaneous storage tanks and two small microturbines in Benezette Township, **Elk County**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

61-00004: Electralloy Corp. (175 Main Street, Oil City, PA 16301) for operation of the EAF, two AODs, tapping and charging, four anneal furnaces, ingot mold pouring area, tumbleblast, vacuum arc remelt, electro slag remelt, granular metal process and two miscellaneous natural combustion units less than 2.5 mmBtu/hr in the City of Oil City, **Venango County**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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.

09-00088: Chicago Steel, Ltd. (80 Roebling Road, Fairless Hills, PA 19030) for operation of a steel fabrication facility in Falls Township, **Bucks County**. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00114: Active Brass (330 Progress Avenue, Telford, PA 18969) for operation of a metal foundry facility in Hilltown Township, **Bucks County**. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00078: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) for operation of a research and development facility for pharmaceutical products in East Whiteland Township, **Chester County**. The sources of emissions include boilers, hot water heaters and emergency generators. The facility has a potential to emit less than 25 tons per year of nitrogen oxides. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00115: Knoll (Railroad Street, East Greenwich, PA 19355) for operation of a spray booth and fabric filter in East Greenville Township, **Montgomery County**. The facility has a potential to emit less than 25 tons per year of nitrogen oxides. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00058: Martin Limestone, Inc. formerly Valley Forge Stone Co. (R. D. 4, P. O. Box 1081, Honey Brook, PA 19344) for operation of a stone crushing plant in Honey Brook Township, **Chester County**. The sources of emissions include primary, secondary and tertiary crushers, triple-deck and double-deck screens and water sprays. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

22-05023: ExxonMobil Oil Corp. formerly Mobil Oil Corp. (5140 Paxton Street, Harrisburg, PA 17111) for an administrative amendment to incorporate modifications to a loading rack controlled by a new vapor combustion unit as per Plan Approval 22-05023A at the Harrisburg Terminal in Swatara Township, **Dauphin County**. The sources primarily emit VOCs. The Synthetic Minor Operating Permit shall contain additional monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

22-05040: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of a drum mix asphalt plant controlled by a knockout box and fabric collector at the Fiddlers Elbow Quarry in Lower Swatara Township, **Dauphin County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the production of drum mix asphalt. The operating permit will contain appropriate

conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

36-03039: TYCO Electronics Corp. (30 Kauffman Road, Landisville, PA 17538) for operation of an electroplating and connector component production and a gas-fired emergency generator in East Hempfield Township, **Lancaster County**. The annual emissions of VOCs, HAPs and NO_x from the operation are approximately 3 tons, 2 tons and 2 tons respectively; and the annual emissions of the particulate matter and oxides of sulfur are less than 1 ton each. The Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the 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

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

11900201 and NPDES Permit No. PA0599051. Maple Coal Company, 2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143-8610, permit renewal for continued operation and restoration of a bituminous coal reprocessing surface mine and for discharge of treated mine drainage in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres. Receiving stream: Elk Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 23, 2002.

32920102 and NPDES Permit No. PA0599565. Keystone Coal Mining Corporation, P. O. Box 219, Shelocta, PA 15774, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Young Township, **Indiana County**, affecting 190.0 acres. Receiving streams: Marshall Run and unnamed tributaries to Marshall Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Avonmore Kiskiminetas River intake. Application received August 22, 2002.

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

33020104 and NPDES Permit No. PA 0242161. Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 207.4 acres. Receiving streams: unnamed tributaries to Walburn Run and Walburn Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 23, 2002.

5848-33020104-E-1. Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15650). Application for a stream encroachment to conduct support and mining activities to within 25 feet of unnamed tributary A to Walburn Run in Snyder Township, **Jefferson County** affecting 3.0 acres. Receiving streams: unnamed tributaries to Walburn Run and Walburn Run, classified for the following: CWF. Application received August 23, 2002.

5848-33020104-E-2. Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15650). Application for a stream encroachment to upgrade an existing stream crossing over Walburn Run in Snyder Township, **Jefferson County** affecting 0.1 acre. Receiving streams: unnamed tributaries to Walburn Run and Walburn Run, classified for the following: CWF. Application received August 23, 2002.

5848-33020104-E-3. Laurel Energy, L. P. (One Energy Place, Suite 7500, Latrobe, PA 15650). Application for a stream encroachment to upgrade an existing stream crossing over East Branch Walburn Run in Snyder Township, **Jefferson County** affecting 0.1 acre. Receiving streams: unnamed tributaries to Walburn Run and Walburn Run, classified for the following: CWF. Application received August 23, 2002.

16920107 and NPDES Permit No. 0211435. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface strip, tippel refuse disposal and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 547.0 acres. Receiving streams: unnamed tributaries to Cherry Run, classified for the following: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Borough. Application received August 30, 2002.

Government Financed Construction Contract Received

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

33-01-06 and NPDES Permit No. PA0242152. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Proposal to enter into a Government Financed Reclamation Construction Contract on a 5.6 acre site in Young Township, **Jefferson County**. The proposal includes total reclamation of 5.6 acres of abandoned mine lands as well as 2.2 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: unnamed tributary to Little Elk Run, classified for the following: CWF. There are no potable surface water intakes within 10 miles downstream. Proposal received August 26, 2002.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

7775SM6A1C4 and NPDES Permit PA0119121. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit in Perry Township, **Berks County**, receiving stream: unnamed tributary to Schuylkill River. Classified for the following use: WWF. Application received August 20, 2002.

7775SM9A2C5 and NPDES Permit PA0595659. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit in Perry Township, **Berks County**, receiving stream: unnamed tributary to Schuylkill River. Classified for the following use: WWF. Application received August 20, 2002.

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

17860303 and NPDES Permit No. PA0115801. Glenn O. Hawbaker, Inc., P. O. Box 135, State College, PA 16804. Renewal of an existing NPDES permit located in Sandy Township, **Clearfield County**. Receiving streams: Narrows and Red Bank Creeks. Application received August 7, 2002.

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

26970401 and NPDES Permit No. 0202100. Laurel Aggregates, Inc. (P. O. Box 23, Gans, PA 15439). Revision application for an additional 9.25 acres and stream encroachment to an existing industrial surface mine located in Springhill Township, **Fayette County**, affecting 254.25 acres. Receiving streams: unnamed tributaries

to Rubles Run to Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received August 28, 2002.

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

29920301, H. B. Mellott Estate, Inc., Route 1, Box 25, Warfordsburg, PA 17267. Renewal of NPDES Permit No. PA0599549, Ayr Township, **Fulton County**, receiving streams: Esther Run and unnamed tributary to Esther Run. NPDES Renewal application received August 26, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-328. Arcadia Properties, LLC, 54 South Commerce Way, Suite 175, Bethlehem, PA 18017, in East

Allen Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall channel in the floodway of Monocacy Creek for the purpose of conveying stormwater runoff from Arcadia East Industrial Park directly to Monocacy Creek (HQ-CWF). The project is located northeast of the intersection of SR 0512 and Silver Crest Road (Catasauqua, PA Quadrangle N: 16.0 inches; W: 2.0 inches).

E45-435. Pocono Township, P. O. Box 197, Tannersville, PA 18372, in Pocono Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot x 4-foot concrete box culvert having a 6-inch culvert depression in a tributary to Pocono Creek (HQ-CWF). The project is located behind the Pocono Township Municipal Building on the west side of SR 0611 and will provide access to Township Road T630 (Alger Avenue) (Mount Pocono, PA Quadrangle N: 6.7 inches; W: 7.7 inches).

E64-233. Marlin Minks, 34-43 82nd Street, Jackson Heights, NY 11372-2920, in Canaan Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing single-span private bridge across Headley Brook (HQ-CWF), with work consisting of replacing the superstructure, utilizing steel beams and a wooden deck. As modified, the bridge will have a span of approximately 16 feet and an underclearance of 5.4 feet. The project is located on the south side of T-399, approximately 2,000 feet upstream of the confluence of Headley Brook and Van Auken Creek (Honedale, PA Quadrangle N: 14.8 inches; W: 13.0 inches).

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

E22-444. Richard Yingst, Fishing Creek Valley Association, Inc., 7100 Fishing Creek Valley Road, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 28 feet and an underclearance of 8 feet across the channel of Walnut Run (CWF) and a utility crossing of a tributary to Walnut Run (CWF) at a point approximately 1,900 feet downstream of Fairville Avenue (T-528) for the purpose of constructing the Walnut Run residential development (Hershey, PA Quadrangle N: 19.5 inches; W: 13.5 inches) in West Hanover Township, Dauphin County.

E28-306. Eric Oyer, Chambersburg Borough, 100 S. Second Street, Chambersburg, PA 17201 in Chambersburg Borough, **Franklin County**, ACOE Baltimore District.

To remove gabion walls and restore the stream channel underneath the relocated pedestrian footbridge over the Falling Spring Branch Creek (CWF) and to construct and maintain a pedestrian creek side walkway, sidewalks and footbridge over the Conococheague Creek (CWF) (Chambersburg, PA Quadrangle N: 11.5 inches; W: 5.0 inches) in Chambersburg Borough, Franklin County.

E29-083. David Knepper, 1236 Lincoln Way East, Chambersburg, PA 17201 in Taylor Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain a 40-inch culvert in the channel of an unnamed tributary to Sideling Hill Creek (HQ-CWF) at a point approximately 5,000 feet upstream of its mouth for the purpose of providing an agricultural

access (Hustontown, PA Quadrangle N:20.7; W:9.4 inches) in Taylor Township, Fulton County.

E31-184. Van Montague, Dublin Township, P. O. Box 11, Neelyton, PA 17239 in Dublin Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 58-inch by 43-inch RCP culvert and a 59-inch by 34-inch RCP culvert across a tributary to the North Branch Little Aughwick Creek (HQ-CWF) located at the crossing of SR 2009, Segment 0030, Offset 3240 (Fannetsburg, PA Quadrangle N: 17.5 inches; W: 17.5 inches) in Dublin Township, Huntingdon County. The applicant will provide 0.27 acre of replacement wetlands at the Aughwick Creek advanced wetland replacement

E31-185. Earl Neiderhiser, Pennsylvania Department of Transportation, District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Cromwell Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain within section 5BS, SR 0522: (1) a 124-foot long clear span and 48-foot wide prestressed concrete I-Beam bridge on a 41 degree skew angle with a varying underclearance of 9.5 feet to 17.6 feet across Blacklog Creek (HQ-CWF-WWF); (2) a 100-foot by 35-inch pipe outfall at Station 487 across a tributary to Blacklog Creek; (3) a waived pipe outfall 100-foot by 18-inch at Station 492 across a tributary to Blacklog Creek; and (4) to fill in 0.049 acre of wetlands (Shade Gap, PA Quadrangle N: 19.5 inches; W: 17.25 inches) in Cromwell Township, Huntingdon County. The applicant will provide 0.049 acre of replacement wetlands at the Aughwick Creek Advanced Wetland Replacement Site.

E36-744. P. Thomas Zeager, 1737 W. Main Street, Ephrata, PA 17522 in Clay Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) three minor road crossings; (2) one intake and one outfall structure; (3) fill 0.61 acre of wetlands; and (4) two stone deflectors, 25 feet of gabion basket and 75 feet of riprap within Middle Creek (TSF) for the purpose of constructing a residential dwelling and stream bank stabilization respectively at a point approximately 800 feet north of the intersection of Kleinfeltersville Road and Mountain Spring Road (Womelsdorf, PA Quadrangle N: 0.2 inch; W: 17.1 inches) in Clay Township, Lancaster County. The contractor will be required to replace 0.061 acre of replacement wetlands as a part of this project.

E36-746. John Gooding, BGT Realty Company, P. O. Box 476, 345 S. Reading Road, Ephrata, PA 17522 in Ephrata Township and Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 4 foot by 6 foot concrete box culvert and to relocate and maintain approximately 400 feet of an unnamed tributary to Cocalico Creek (WWF) at a point within the BGT Realty Company property located at 345 South Reading Road (Ephrata, PA Quadrangle N: 9.25 inches; W: 10.2 inches) in Ephrata Township and Borough, Lancaster County.

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

E14-427. Wetland Habitat Management, Inc., 205 East Beaver Drive, Suite 201, State College, PA 16801. Wetland mitigation site in Huston Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 17.5 inches; W: 14.3 inches).

The applicant proposes to create a 32.6-acre wetland mitigation site within the Bald Eagle Creek Watershed, on a former 82-acre farm property. This site lies adjacent to SR 220 and is bisected by TR 350. Mitigation credits created from this project will be debited towards transportation project within the valley. An unnamed tributary to Bald Eagle Creek will be affected by this project as will 3.14 acre of existing palustrine wetlands.

E55-188. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water obstruction and encroachment permit application in Penn Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 13.5 inches; W: 4.6 inches).

To remove an existing encased concrete I-beam bridge and construct and maintain a reinforced concrete box culvert measuring 20 feet wide by 5 feet high in a tributary to Penns Creek located along SR 1002, Segment 0030 at offset 2718. This project proposes to have a minimal impact on Penns Creek (WWF). The project does not propose to impact any jurisdictional wetlands.

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

E02-1310-A. Pittsburgh Sports and Exhibition Authority, Regional Enterprise Tower, Suite 2750, 425 Sixth Avenue, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To amend permit E02-1310, which authorized the removal of existing structures and to construct and maintain a new waterfront park on the north shore of the Ohio River (WWF) and Allegheny River (WWF). The project shall consist of a sheet pile wall for the entire length of the project (3,025 feet), 700 feet of rip-rap bank stabilization, 10,370 cy of river dredging, to create 2.29 acres of shallow water mitigation area by dredging and placing 7,720 cy of rip-rap and approximately 1,100 2-inch diameter boulders and observation pier, two pile supported overlooks, a pile supported causeway (316 feet), two commercial passenger ferry ramps, a mooring facility for the Delta Queen, a fountain/waterfall and six outfalls. The project area is bound on the north by the existing and proposed North Shore Drive, on the south by the Allegheny and Ohio Rivers, on the east by PNC Park and on the west by the Carnegie Science Center. This project excludes the PNC Park waterfront improvements (Pittsburgh West, PA Quadrangle project begins N: 12.7 inches; W: 2.5 inches and project ends N: 12.8 inches; W: 1.0 inch) in the City of Pittsburgh, Allegheny County. This amendment authorizes the construction and maintenance of public park to be known as the Great Lawn. This project will consist of fill in the floodplain, sidewalks, a Law Enforcement Officers Memorial and a Belvedere on the old Manchester Bridge pier (Pittsburgh West, PA Quadrangle N: 12.7 inches; W: 1.6 inches).

E02-1391. Developers Diversified Realty Corporation, 3300 Enterprise Parkway, Beechwood, OH 44122. Ohio Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.13 acre of wetlands and to reconstruct approximately 100 feet of a tributary to Bear Run (TSF) as part of a proposed 350,000 sq. ft. mixed use commercial/retail complex located in the northeast corner of the intersection of Mt. Nebo Road and Lowries Run Road. To meet the wetland replacement requirements the applicant proposed to construct 0.13 acre of wetlands. This project will also impact approxi-

mately 1,350 feet of a tributary to Lowries Run and 70 feet of a tributary to Bear Run, these channels qualify for authorization under the Departments waiver 105.12. To mitigate for the stream impacts the applicant proposes to daylight a tributary to Lowries Run (TSF) which is currently piped in an 18 inch culvert by constructing and maintaining a 1,200 foot long channel. This permit will also include an Environmental Assessment for a nonjurisdictional dam (Emsworth, PA Quadrangle N: 6.0 inches; W: 9.5 inches).

E02-1393. City of McKeesport, 201 Lisle Boulevard, McKeesport, PA 15132. City of McKeesport, **Allegheny County**, ACOE Pittsburgh District. To remove existing structures, to construct and maintain various outfall structures, to construct and maintain a 1,600 foot long flood wall along the right bank, to reconstruct and maintain 25 foot wide channel for approximately 2,000 feet in Long Run (TSF) to provide for flood protection. The project is located only on the southeast side of SR 48 approximately 350 feet south of its intersection with Ripple Road (McKeesport, PA Quadrangle N: 13.6 inches; W: 9.5 inches).

E56-304. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. Somerset Borough and Township, **Somerset County**, ACOE Pittsburgh District.

To amend Permit No. E56-304 to include the construction and maintenance of a three cell concrete box culvert having three normal spans of 7.0 meters and an underclearance of 2.14 (0.3 meter of the culver floor will be depressed in the stream bed) in an unnamed tributary to East Branch Coxes Creek (WWF) upstream from Bridge B-343 at Milepost 109.72 for the purpose of improving the Somerset Interchange to meet current design specifications and safety standards and to place and maintain fill in 2.73 acres of palustrine emergent wetland. The impacted wetlands have been replaced at the Louie-Beach Advanced Wetland Compensation site in Somerset County (Somerset, PA Quadrangle N: 3.7 inches; W: 11.5 inches).

E56-319. Jenner Township Supervisors, 2058 Lincoln Highway, Boswell, PA 15531. Jenner Township, **Somerset County**, ACOE Pittsburgh District.

To construct and maintain a single span pedestrian bridge having a single normal span of 75.0 feet and an underclearance of 13.0 feet across Quemahoning Creek (CWF) for the purpose of providing access from parking area to community ballfields. The project is located off of SR 0601, approximately 1,000 feet north of its intersection with SR 0030 (Boswell, PA Quadrangle N: 4.5 inches; W: 6.0 inches).

E63-535. Somerset Township Board of Supervisors, 615 Vanceville Road, Eighty Four, PA 15330. Somerset Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a 48-inch diameter CMP stream enclosure 650 feet in length in an unnamed tributary to Center Branch Pigeon Creek (WWF) for the purpose of expanding the Somerset Township Municipal Complex. The project is located on the west side of TR 782, just north from the intersection of TR 782 and LR 2019 (Hackett, PA Quadrangle N: 4.0 inches; W: 11.3 inches).

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D07-087A. The DeGol Organization, 3229 Pleasant Valley Boulevard, Altoona, PA 16602. To modify, operate and maintain Scotch Valley Dam across a tributary to New Creek (HQ-CWF), for the purpose of providing additional stormwater detention capacity. Modifications will lower the normal pool elevation approximately 18 inches (Frankstown Quadrangle N: 21.2 inches; W: 6.6 inches) in Frankstown Township, **Blair County**.

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 Act (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. PA0057088, Industrial Waste, **Exelon Generation Company**, 200 Exelon Way, KSA 1-E, Kennett Square, PA 19348. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Delaware Estuary Zone 2-3J Watershed.

NPDES Permit No. PA0024180 Amendment No. 2, Sewage, **Berks Montgomery Municipal Authority**,

P. O. Box 370, 136 Municipal Drive, Gilbertsville, PA 19525-370. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for an expansion of the average annual flow to 2.3 mgd and discharge into Swamp Creek-3E Watershed.

NPDES Permit No. PA0050920, Sewage, **William Henry Apartments**, 1086 King Road, Malvern, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Ridley Creek-3G Watershed.

WQM Permit No. 4602406, Sewerage, **Souderton School District**, 760 Lower Road, Souderton, PA 18964-2311. This proposed facility is located in Franconia and Upper Salford Townships, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the construction and operation of a pump station and a sanitary sewer line to serve the proposed Vernfield Elementary School.

WQM Permit No. 1502406, Sewerage, **Orleans Homebuilders, Inc.**, One Greenwood Square, 3333 Street Road, Suite 101, Bensalem, PA 19020. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of 13 individual onlot grinder pumps and laterals to serve the Candlewyck at New Garden (Pia Track) development.

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

NPDES Permit No. PA0063568, Industrial Waste, **Northampton Borough Municipal Authority**, 1 Clear Spring Drive, P. O. Box 156, Northampton, PA 18067-0156. This proposed facility is located in Whitehall Township, **Lehigh County** and discharges to the Lehigh River.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

NPDES Permit No. PA0070084, Industrial Waste, **Buckeye Terminals, LLC**, P. O. Box 368, Emmaus, PA 18049. This proposed facility is located in Lower Macungie Township, **Lehigh County** and discharges to Swabia Creek.

Description of Proposed Action/Activity: Renewal of the NPDES Permit.

NPDES Permit No. PA0060976, Sewage, **Moyer's Grove Campground**, R. R. 2, Box 95, Wapwallopen, PA 18660. This proposed facility is located in Hollenback Township, **Luzerne County** and discharges to Balliet Run.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

NPDES Permit No. PA0063436, Sewage, **Elmer Brown**, R. R. 1, Box 1579, Hallstead, PA 18822. This proposed facility is located in Liberty Township, **Susquehanna County** and discharges to Rhiney Creek.

Description of Proposed Action/Activity: Renewal of NPDES permit.

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

NPDES Permit No. PA0021245, Amendment No. 1, Sewage, **Borough of Duncannon**, 428 North High Street, Duncannon, PA 17020. This proposed facility is located in Duncannon Borough, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-A.

WQM Permit No. 2102406, Sewerage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055. This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of pump stations.

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

WQM Permit No. 4102402, Sewerage, **Muncy Creek Township Sewer Authority**, 575 Route 442 Highway, Muncy, PA 17756. This proposed facility is located in Muncy Creek Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of approximately 52,000 LF of 8- and 10-inch gravity sewers, 9,600 LF of 4- and 6-inch force main and three pump stations. This extension will serve the Route 405 corridor and adjacent areas of the Township from I-180 north to the Wolf/Muncy Creek Township line. In addition, sewers will be constructed along the Route 442 corridor to the Village of Clarkstown and in the Keiss Crossroads and Kepner Road areas. All waste generated to the east of Muncy Creek will be treated at the Hughesville/Wolf WWTP and all waste generated to the west of Muncy Creek will be treated at the Muncy Borough WWTP.

NPDES Permit No. PA0209279, Sewerage SIC 4952, **Robert and Roxanne Sarvis**, 265 Hilkert Road, Danville, PA 17821. This existing facility is located in Madison Township, **Columbia County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

NPDES Permit No. PA0027359, Industrial Waste SIC 4941, **Danville Municipal Authority**, 235 Mill Street, Danville, PA 17821. This existing facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

NPDES Permit No. PA0228397, CAFO, **The Pennsylvania State University**, Physical Plant Building, University Park, PA 16802-1118. This existing facility is located in Benner, College, Ferguson and Patton Townships and State College Borough, **Centre County**.

Description of Size and Scope of Operation/Activity: The Pennsylvania State University College of Agricultural Sciences operates several farm teaching and research facilities at the University Park Campus. Facilities, similar to those used by farmers, house beef cattle, dairy cattle, horses, poultry, sheep and swine. The total AEU capacity is 1,642.5.

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

NPDES Permit No. PA0005037, Amendment No. 2, Industrial, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748 is authorized to discharge from a facility located at Homer City Generating Station, Center Township, **Indiana County** to receiving waters named unnamed tributary of Two Lick Creek.

NPDES Permit No. PA0217948, Amendment No. 1, Industrial, **Highridge Water Authority**, 17 Maple Av-

enue, Blairsville, PA 15717 is authorized to discharge from a facility located at Highridge Water Authority—Sugar Run Water Plant, St. Clair Township, **Westmoreland County** to receiving waters named unnamed tributary 44984 to Conemaugh River.

NPDES Permit No. PA0021407, Sewage, **Point Marion Municipal Authority**, 426 Morgantown Street, Point Marion, PA 15474 is authorized to discharge from a facility located at Point Marion Wastewater Treatment Plant, Borough of Point Marion, **Fayette County** to receiving waters named Monongahela River.

NPDES Permit No. PA0203793, Sewage, **William J. Debevec**, 4418 Rostosky Ridge Road, Monongahela, PA 15063-4319 is authorized to discharge from a facility located at William J. Debevec Single Residence STP, Forward Township, **Allegheny County** to receiving waters named Perry Mill Run.

Permit No. 6302402, Sewerage, **Gregory L. Baker**, 347 Churchill Road, Venetia, PA 15367. Construction of a single residence small flow STP located in Peters Township, **Washington County** to serve Baker Property STP.

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

NPDES Permit No. PA0038351, Industrial Waste, **PHB Die Cast, Inc.**, 7900 West Ridge Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Trout Run.

NPDES Permit No. PA0221775, Industrial Waste, **HRI, Inc.—Plant 109**, 1750 West College Avenue, P. O. Box 155, State College, PA 16804-0755. This proposed facility is located in Pine Creek Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Five Mile Run.

NPDES Permit No. PA0002151, Industrial Waste, **Pittsburgh Corning Corporation**, P. O. Box 39, Port Allegany, PA 16743. This proposed facility is located in Liberty Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River.

NPDES Permit No. PA0014427, Industrial Waste, **United States Fish and Wildlife Service, Allegheny National Fish Hatchery**, R. D. 1, Box 1050, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River.

NPDES Permit No. PA0222259, Sewage, **Heckathorne United Methodist Church SFTF**, 605 Heckathorne Church Road, Seneca, PA 16346-3915. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Halls Run.

NPDES Permit No. PA0238783, Sewage, **Flynn's Tire Sales SFTF**, P. O. Box 1050, Hermitage, PA 16148. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Little Shenango River.

NPDES Permit No. PA0238601, Sewage, **Sutton Mobile Home Park**, 129 Elgie Drive, Butler, PA 16001. This proposed facility is located in Clay Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Glade Run.

WQM Permit No. 4301202, Industrial Waste, **John Koller and Sons, Inc. t/a Fairview Swiss Cheese**, 1734 Perry Highway, Fredonia, PA 16124. This proposed facility is located in Fairview Township, **Mercer County**.

Description of Proposed Action/Activity: This project is to construct a second SBR and provide for sludge dewatering.

WQM Permit No. 4302411, Sewerage, **Flynn's Tire Sales SFTF**, P. O. Box 1050, Hermitage, PA 16148. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to replace a malfunctioning onlot system.

WQM Permit No. 2502412, Sewerage, **Christopher R. Miller STFT**, 12536 East Lake Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101922	Kettle Creek Watershed and Trout Unlimited 32 Longbow Lane Mill Hall, PA 17751	Clinton	Leidy and Noyes Township	Shintown and Two Mile Runs HQ-CWF
PAS105509	Department of Conservation and Natural Resources Bureau of State Parks P. O. Box 8551 Harrisburg, PA 17105	Potter	West Branch Township	Lyman Run HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application 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.

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.

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG 2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
McKean County Foster Township	PAR104113	National Fuel Gas Supply Corp. 1100 State Street Erie, PA 16501	Bolivar Run CWF	DEP (814) 332-6942
Butler County Jackson Township	PAR10E194	Kenny Ross Chevrolet-Buick 5989 Penn Circle South Pittsburgh, PA 15206	Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Butler County Washington Township	PAR10E179	Seneca Land Fill Inc. P. O. Box 1080 Mars, PA 16046	Hilliards Branch of Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270
Lackawanna County City of Scranton	PAR10N139	Compression Polymers Corp. 801 E. Corey St. Moosic, PA 18507	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Northampton County Bethlehem Township	PAR10U187	Mark Wagner, President Wagner Enterprises, LTD P. O. Box 3154 Easton, PA 18043-3154	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Hampden Township	PAR10H142-R	Zion Associates 20 Erford Rd. Lemoyne, PA 17043	Sear Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Union Township Berks County	PAR10C387	Heritage Bldg. Group 3326 Old York Rd. Suite A-100 Furlong, PA 18925	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Maidencreek Township Berks County	PAR10C441	Howard Young Bedrock Stone & Stuff Inc. P. O. Box 279 Shoemakersville, PA 19555	Willow Creek CWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
South Lebanon Township	PAR10P183	Ginger Beamesderfer AES Ironwood Foundation 305 Prescott Road Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
South Londonderry Township	PAR10P175	Ziegler Excavating 1011 Beech Street Palmyra, PA 17087	Little Conewago Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
South Londonderry Township	PAR10P182	Robert C. and Andrea E. Sharp 5465 Elizabethtown Road Lawn, PA 17041	Little Conewago Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lower Swatara Township	PAR10I297	Alan Smith Conewago Contractors, Inc. 610 Edge Grove Rd. Hanover, PA 17331	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township	PAR10I305	Pennsylvania Department of Transportation District 8-0 2140 Herr St. Harrisburg, PA 17103	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Buffalo Township Union County	PAR106845	Robert Yoder Wildflower Village R. R. 2 Turbotville, PA 17772	Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Lewisburg, PA 17837 (570) 523-8782

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lancaster County Upper Leacock Township	PAR113548	C & D Technologies, Inc. 82 East Main St. Leola, PA 17540-1940	UNT to Mill Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County South Lebanon Township	PAR703521	AES Ironwood, LLC 305 Prescott Road Lebanon, PA 17042	Pennsy Quarry Pond SG-1 to UNT to Tulpehocken Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Donegal Township	PAR123554	Wenger's Feed Mill, Inc. Eastern Ag. Warehouse/Garage 101 W. Harrisburg Ave. Rheems, PA 17570	UNT to Donegal Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mt. Carmel Township Northumberland County	PAR234804	Explo-Tech 3rd Street and Cardinal Drive Mt. Carmel, PA 17851	Locust Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Benner Township Centre County	PAR804841	193 SOW/EM Pennsylvania Air National Guard 62 Olmsted Blvd. Middletown, PA 17057	UNT to Big Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Forward Township Allegheny County	PAR406104	Kelly Run Sanitation Inc. P. O. Box 298 Elizabeth, PA 15037	Fallen Timber Run, UNT to Fallen Timber Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Chartiers Township Washington County	PAR506106	Arden Landfill Inc. Box BC Arden Station Road Washington, PA 15301	UNT to Georges Run and Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
North Huntingdon Township Westmoreland County	PAR506107	Waste Management of PA Inc. 310 Leger Road North Huntingdon, PA 15642	UNT to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Chartiers Township Washington County	PAR506114	Waste Management of PA Inc. 200 Rangos Lane Washington, PA 15301	UNT to Georges Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Forward and Adams Townships Butler County	PAR118331	Mine Safety Appliances Company Evans City Plant P. O. Box 429 Pittsburgh, PA 15230-0429	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Hempfield Township Mercer County	PAR208317	Metso Minerals Industries, Inc. Hodge Foundry P. O. Box 550 Greenville, PA 16125	Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Punxsutawney Borough Jefferson County	PAR118317	NAC Carbon Products, Inc. P. O. Box 436 Punxsutawney, PA 15767-0436	Elk Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Erie Erie County	PAR208318	Zurn Industries, Inc. 1301 Raspberry Street Erie, PA 16502-1543	Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR208310	Custom Engineering Company 2800 McClelland Avenue Erie, PA 16510-2598	Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Slippery Rock Township Butler County	PAR608315	Slippery Rock Salvage P. O. Box 48 Slippery Rock, PA 16057-0048	Unnamed tributary of Slippery Rock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR208361	Blair Strip Steel Company P. O. Box 7159 New Castle, PA 16107	Unnamed tributary of Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Snyder Township Jefferson County	PAR228334	Energy Resources Inc. Brockway Loadout Facility P. O. Box 259 Brockway, PA 15284	Unnamed tributary to Little Toby Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR508304	Waste Management of PA, Inc. Greater Erie Transfer and Recycling Center 975 Robison Road East Erie, PA 16509	Tributary to Cascade Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Piatt Township Lycoming County	PAG044994	Ellen J. Dailey 1008 Cement Hollow Road Jersey Shore, PA 17740	Stewards Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Piatt Township Lycoming County	PAG045014	Robert R. Miller P. O. Box 122 Jersey Shore, PA 17740	UNT to Larry's Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Jackson Township Venango County	PAG048404	Grace A. McMahon and Janet A. Fulpahs Box 406 Wright Road Cooperstown, PA 16317	Unnamed tributary of Sugar Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Washington Township Erie County	PAG048396	Robert G. Horn 12863 Wetsell Ridge Road Edinboro, PA 16412	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Ligonier Borough Westmoreland County	PAG086109	Ligonier Borough Town Hall 120 East Main Street Ligonier, PA 15658	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Hempfield Township Westmoreland County	PAG096112	Elephant Septic Tank Service Inc. 176 Buffalo Hill Road Irwin, PA 15642	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

The following action was inadvertently published at 32 Pa.B. 4074 (August 17, 2002).

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lehigh County Lower Macungie Township	PAG102205	Sunoco Pipeline, L. P. Ten Penn Ctr., 26th Fl. 1801 Market St. Philadelphia, PA 19103	Little Lehigh Creek HQ-CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Franklin Township Snyder County	PAG124814	Michael Snook 497 Paxtonville Road Middleburg, PA 17842	UNT to Middle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

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).

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

Permit No. 1502505, Public Water Supply.

Applicant **Tel Hai Retirement Community**
1200 Tel Hai Circle
Honey Brook, PA 19344

Township Honey Brook

County **Chester**

Type of Facility PWS

Consulting Engineer Applied Environmental Management
16 Chester County Commons
Malvern, PA 19355

Permit to Construct August 26, 2002
Issued

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 3540072, West Mahanoy Township, **Schuylkill County** on July 2, 2002, for the operation of facilities approved under Construction Permit #5400503.

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

Permit No. 0602503, Public Water Supply.

Applicant **Berks Leisure Living**

Municipality Bern Township

County **Berks**

Type of Facility Construction of Well No. 2 with disinfection and manganese treatment.

Consulting Engineer David J. Gettle
Kohl Bros., Inc.
P. O. Box 350
Myerstown, PA 17067

Permit to Construct August 13, 2002
Issued:

Permit No. 6702504 MA, Minor Amendment, Public Water Supply.

Applicant **The York Water Company**

Municipality East Manchester Township

County **York**

Type of Facility Construction of a new 500,000-gallon steel standpipe to be known as the Brickyard Standpipe.

Consulting Engineer William T. Morris, P. E.
The York Water Company
130 East Market Street
York, PA 17405-7089

Permit to Construct August 13, 2002
Issued:

Operations Permit issued to **Borough of Leesport**, P. O. Box 170, 21 South Canal Street, Leesport, PA 19533, PWS ID 360047, Borough of Leesport, **Berks County** on August 18, 2002, for the operation of facilities approved under Construction Permit No. 0601502.

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

Permit No. 1472501-T1, Public Water Supply.

Applicant **Boggs Township Supervisors**
1270 Runville Road
Bellefonte, PA 16823

Township Boggs Township

County **Centre**

Type of Facility PWS—transfer of permit for operation of Well #2, elevated storage tank, transmission mains and distribution system

Permit to Operate August 27, 2002
Issued

Permit No. 1473503-T1, Public Water Supply.

Applicant **Boggs Township Supervisors**
1270 Runville Road
Bellefonte, PA 16823

Township Boggs Township

County **Centre**

Type of Facility PWS—transfer of permit for operation of Well #1

Permit to Operate August 27, 2002
Issued

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

Permit No. 6502502, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
SW Corner US Route 30 West and South Greengate Road
Greensburg, PA 15601

Borough or Township Penn Township

County **Westmoreland**

Type of Facility Clelian Heights Pump Station addition

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct August 21, 2002
Issued

Permit No. 2602501, Public Water Supply.

Applicant **Nemacolin Woodlands, Inc. d/b/a Nemacolin Woodlands Resort & Spa**
P. O. Box 584
Eighty Four, PA 15330

Borough or Township Wharton Township

County **Fayette**

Type of Facility Iron Removal Facilities
 Consulting Engineer Penn E&R
 2755 Bergey Road
 Hatfield, PA 19440
 Permit to Construct August 28, 2002
 Issued

Operations Permit issued to Greater Johnstown Water Authority, 111 Roosevelt Boulevard, Johnstown, PA 15907-1287, PWS ID 4110014, Conemaugh Township, **Somerset County** on August 21, 2002, for the operation of facilities approved under Construction Permit #1102504.

Operations Permit issued to The Municipal Authority of the Borough of West View, 210 Perry Highway, Pittsburgh, PA 15229, PWS ID 5020043, Township of McCandless, **Allegheny County** on August 28, 2002, for the operation of facilities approved under Construction Permit #0200504.

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

Permit No. 2502503, Public Water Supply.

Applicant **Erie City Water Authority**
 340 West Bayfront Parkway
 Erie, PA 16507-0729
 Borough or Township City of Erie
 County **Erie**
 Type of Facility PWS—Chestnut St. fluoridation
 Consulting Engineer KLH Engineering
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Permit to Construct August 21, 2002
 Issued

Operations Permit issued to Consumers Pennsylvania Water Company—Shenango Valley Division, 665 South Dock Street, P. O. Box 572, Sharon, PA 16146, PWS ID 6430054, City of Sharon, **Mercer County** on August 21, 2002, for the operation of facilities approved under Construction Permit #4397502.

Operations Permit issued to Millcreek Township Water Authority, 3608 West 26th Street, Erie, PA 16505, PWS ID 6250076, Millcreek Township, **Erie County** on August 23, 2002, for the operation of facilities approved Construction Permit #361W2-T2-MA2.

Operations Permit issued to Erie City Water Authority, 340 West Bayfront Parkway, Erie, PA 16507-0729, PWS ID 6250028, Millcreek Township, **Erie County** on August 23, 2002, for the operation of facilities approved Construction Permit #2596507-C1-MA1.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	R. R. 3, Box 228 Pine Grove, PA 17963	Schuylkill

Plan Description: The update revision provides for a selected alternative to construct a new 1.5 million gallon a day sewage treatment plant that will utilize a sequencing batch reactor process. The proposed plant will be located at a site west of the Interstate 81 Pine Grove Interchange and will discharge to the Swatara Creek. The existing Pine Grove Joint Treatment Authority sewage treatment plant will be taken out of service. A pump station will be constructed near the existing plant and will connect to a proposed force main interceptor for the purpose of conveying sewage to the new plant. The sewage service area will be expanded and will require the abandonment of two existing package sewage treatment plants. An illustration of the selected alternative and change in service area can be found on Map I-10 of the update revision. The update revision also includes an infiltration/inflow (I/I) reduction program in Pine Grove Borough. The selected alternative and I/I reduction program are being funded with the assistance of Rural Utilities Service grants and loans. The nonsewered areas of Pine Grove Township will be administered via the sewage enforcement officer (SEO). The SEO will report directly to the Pine Grove Township Supervisors on the condition of the onlot systems on an annual basis. The implementation schedule for completing the selected alternative is found in Table 3 on page 5 of the update revision. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location: US Rt. 30, 500 feet east of its intersection with Centennial Rd.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Straban Township	1745 Granite Station Rd. Gettysburg, PA 17325	Adams County

Plan Description: The approved plan provides for the expansion of an existing church facility that will increase wastewater flows to a total of 2,000 gpd. An expanded onsite sewage treatment plant will serve the property and the name of this project is the Freedom Valley Worship Center.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: The approved plan provides for the construction of a public sewer collection and conveyance system to the Monroe Acres area, the Williams Grove Speedway and an area along Park Place as defined in the Plan. Sewage will be conveyed to the Dillsburg Area Authority wastewater treatment plant for disposal. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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:

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

Earlin Property Release (Former Milford Chrysler), Milford Borough, **Pike County**. Salvatore Sciascia, President, S&M Management, Inc., P. O. Box 1429, 522 Routes 6 and 209, Milford, PA 18337 has submitted a Final Report (on behalf of Bruce Earlin, Cummings Hill Road, Milford, PA 18337) concerning the remediation of site soils found or suspected to be contaminated with leaded gas petroleum products. The report was submitted to document attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

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

Brunswick Hotel, City of Lancaster, **Lancaster County**. Professional Service Industries, Inc., 1707 S. Cameron Street, Suite B, Harrisburg, PA 17110 on behalf of Hostmark, 111 Plaza Drive, Suite 200, Schaumburg, IL 60173, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide health standard.

Former Transtar Facility, Fairview Township, **York County**. Harding ESE, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, on behalf of Total Recycling Services, 430 Victoria Terrace, Ridgefield, NJ 07657 and EC Barnes Company, P. O. Box 277, Saint Thomas, PA 17252, submitted Final Report concerning remediation of

site groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Realen Homes, L. P.—Price Property, Falls Township, **Bucks County**. Joseph W. Standen, Jr., P. G., Leggette, Brashears & Graham, 426 Brandywine Parkway, West Chester, PA 19380, on behalf of H.C. Price Co., 15660 North Dallas Parkway, Dallas, TX 75428, has submitted a Final Report concerning the remediation of site soil contaminated with heavy metals. The Final

report demonstrated attainment of Site-Specific Standards and was approved by the Department on August 22, 2002.

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 the remediation of site soil and groundwater contaminated with BTEX and PAHs. The Final report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on August 26, 2002.

Assouline & Ting, Inc., City of Philadelphia, **Philadelphia County**. Peter A. Malik, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Assouline & Ting, Inc., 505 Vine St., Philadelphia, PA 19106, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with heavy metals and volatiles. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on August 22, 2002.

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

Former Industrial Engraving—Knox Facility, Forks Township, **Northampton County**. Dr. William K. Ahlert, Manager Mid-Atlantic Services, Lawler, Matusky and Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of Valley Housing Development Corporation, 635 Broad Street, Emmaus, PA 18049) concerning the characterization and remediation of site soil, groundwater, indoor air and offsite springs found or suspected to have been contaminated with volatile organic constituents. The report demonstrated attainment of the site-specific standard and was approved on August 21, 2002.

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

Apple Road Site, 131 Apple Road, Fairview Township, **Butler County**. Key Environmental Inc. (Mitch Brouman, Beazer East, Inc. c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Deposit Material Cleanup Plan concerning remediation of soil and groundwater. This report is intended to document remediation of the site to meet the Site-Specific Standards. Report to be published August 27, 2002, in the *Butler Eagle*.

HAZARDOUS WASTE TRANSPORTER LICENSE

Hazardous Waste Transporter License, actions taken 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 Expired

Liquid Cargo, Inc., P. O. Box 482, Kearny, NJ 07032. License No. **PA-AH 0388**. Effective August 31, 2002.

Suttles Truck Leasing, Inc., P. O. Box 129, Demopolis, AL 36732. License No. **PA-AH 0332**. Effective August 31, 2002.

Sina Environmental, 11875 Dublin Boulevard A 100, Dublin, CA 94568. License No. **PA-AH 0670**. Effective August 31, 2002.

Mid-State Trading Co., P. O. Box 3275, Williamsport, PA 17101. License No. **PA-AH 0148**. Effective August 31, 2002.

Fisher Industrial Services Inc., P. O. Box 5410, Glencoe, AL 35905. License No. **PA-AH 0595**. Effective August 31, 2002.

Drug & Laboratory Disposal, Inc., 331 Broad Street, Plainwell, MI 49080-1439. License No. **PA-AH S231**. Effective August 31, 2002.

Electro Environmental Technologies, Inc., 43 E. Carl Street, Hicksville, NY 11801. License No. **PA-AH 0597**. Effective August 31, 2002.

Jack Gray Transport, Inc., 4600 East 15th Avenue, Gray, IN 46403. License No. **PA-AH 0208**. Effective August 31, 2002.

Kindrick Trucking Company, Inc., 2818 Roane State Highway, Harriman, TN 37748. License No. **PA-AH 0379**. Effective August 31, 2002.

Hazardous Waste Transporter License Voluntarily Terminated

D. G. D. Environmental Services, Inc., 500 Cobham Park Road, Warren, PA 16365. License No. **PA-AH 0603**. Effective August 31, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Environmental Transport Group, Inc., P. O. Box 296, Flanders, NJ 07836. License No. **PA-HC 0023**. Effective August 26, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits 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.

PAD085690592. Republic Environmental Systems (Pennsylvania), Inc., 2869 Sandstone Dr., Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Permit modified to include certain preapproved categories of liquid and solid waste streams under the generic waste acceptance procedures already incorporated into the permit under 25 Pa. Code § 264a.13. Permit issued by the Southeast Regional Office on August 29, 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. WMGR046D001. Summit Anthracite Inc., R. R. 1 Box 12a, Klingerstown, PA 17941-9704.

General Permit Number WMGR046 authorizes the processing and beneficial use of the following wastes: drinking water treatment sludges, yard waste, bark ash, coal ash, agricultural residues, waste cardboard and paper, sludge generated by paper or pulp mills (SIC Codes 2621 and 2611), waste from vegetable food processing, unused sands and spent mushroom substrate. The processing is limited to separation, size reduction (grinding), mixing, windrow composting, static composting and screening prior to beneficial use as manufactured soil or soil amendments.

The Department approved the determination of applicability on August 28, 2002.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP1-01-03003B: Motts, Inc. (45 Aspers North Road, Aspers, PA 17034) on August 28, 2002, for operation of two small gas and No. 2 oil fired combustion units in Menallen Township, **Adams County**.

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

16-00021: OEM Enterprises, Inc. (2465 Penn Street, Fairmount City, PA 16234) on August 14, 2002, for operation of a combustion unit in Red Bank Township, **Clarion County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02144: Pearl Pressman Liberty (912 North 5th Street, Philadelphia, PA 19123) for installation of a sheetfed nonheatset lithographic printing press in the City of Philadelphia, **Philadelphia County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

01-05025C: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) on August 23, 2002, for installation of an 84 inch cone crusher, two air classifiers, a baghouse and requisite conveyors at its Gettysburg Quarry facility in Cumberland Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

06-05078D: F R and S, Inc. (727 Red Lane Road, Birdsboro, PA 19508) on August 23, 2002, for modification to its existing landfill in Exeter Township, **Berks County**. This facility is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 61, Subpart M—National Emission Standard for Asbestos.

28-03040A: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) on August 23, 2002, for installation of a 51 inch cone crusher at its Chambersburg Quarry facility in Guilford Township, **Franklin County**.

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

10-337A: Verizon Wireless (700 Cranberry Woods Drive, Cranberry Township, PA 16066) on August 8, 2002, for operation of an emergency diesel generator in Cranberry Township, **Butler County**.

61-012C: OMG Americas (2 Mile Run Road, Franklin, PA 16323) on August 13, 2002, for operation of a light color process in Sugarcreek Borough, **Venango County**.

61-012D: OMG Americas (2 Mile Run Road, Franklin, PA 16323) on August 13, 2002, for modification of cobalt carboxylate process in Sugarcreek Borough, **Venango County**.

42-111C: Ethan Allen Manufacturing Corp.—Eldred Division (R. D. 1, Eldred, PA 16731) on August 22, 2002, for construction of a coating booth in Eldred, **McKean County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02072: G-Point Materials, Inc. (2604 Penrose Ferry Road, Philadelphia, PA 19145) to conduct unloading of bulk raw materials from ships and barges in the City of Philadelphia, **Philadelphia County**.

02119: Scott Building Corp. (2939 Felton Road, Norristown, PA 19401) for operation of a 100 ton per hour concrete crusher temporarily at 11000 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**.

02124: Geppert Brothers, Inc. (3101 Trewigtown Road, Colmar, PA 18915) for operation of a 135 ton per

hour concrete crusher temporarily at 3111 South 23rd Street, City of Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0123: Better Materials Corp. (262 Quarry Road, Ottsville, PA 18942) on August 26, 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

46-0037H: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on August 28, 2002, for operation of a VOC in Douglass Township, **Montgomery County**.

46-0037D: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on August 28, 2002, for operation of production of Ta and Nb products in Douglass Township, **Montgomery County**.

46-313-057E: Republic Environmental Systems, Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on August 28, 2002, for operation of a hazardous waste TSD in Hatfield Township, **Montgomery County**.

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on August 28, 2002, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

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

34-03005A: Energex American, Inc. (R. R. 5 Box 343, Mifflintown, PA 17059) on August 1, 2002, for modification of a wood pellet manufacturing plant in Walker Township, **Juniata County**. This plan approval has been extended.

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

19-00006B: H. J. Heinz Co., L. P. (6670 Low Street, Bloomsburg, PA 17815) on August 16, 2002, to correct a typographical error (change in annual No. 6 fuel oil usage limitation from 1.845 million gallons in any 12 consecutive month period to 1.85 million gallons) in South Centre Township, **Columbia County**.

53-00006A: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on August 21, 2002, for operation of five natural gas-fired reciprocating internal combustion compressor engines (Engines 3—8) on a temporary basis until December 19, 2002, at the Ellisburg Compressor Station in Genesee Township, **Potter County**. The 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.

42-158E: 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**.

33-002B: Owens Brockway Glass Container—Crenshaw Plant (Route 219 North, Brockway, PA 15824) on August 28, 2002, for installation of a glass melting furnace in Snyder Township, **Jefferson 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.

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**. This is a Title V Operating Permit Renewal.

25-00501: McInnes Steel Co. (441 East Main Street, Corry, PA 16407) on August 21, 2002, for operation of miscellaneous combustion units both greater than and less than 2.5 mmBtu/hr, test sample cutting, billet grinding, oil quenching, grit blasting, 14 heat treat furnaces, 3 car bottom forge furnaces, 10 miscellaneous forge furnaces, miscellaneous storage tanks and 3 degreasers in Corry City, **Erie County**. The initial Title V Operating Permit was issued on August 26, 1997. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. This is a Title V Operating Permit Renewal.

61-00147: Department of Public Welfare—Polk Center (Route 62, P. O. Box 94, Polk, PA 16342) for operation of 3 600 hp boilers, 12 miscellaneous combustion units and 11 miscellaneous/stand-by generators in Polk Borough, **Venango County**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

33-00140: Dominion Transmission, Inc.—Punxsutawney Station (Kauchmar Road, Punxsutawney, PA 15767) 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**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

10-00062: Pennsylvania 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 and two coal-fired boilers and several miscellaneous natural gas or diesel-fired IC engines in Slippery Rock Borough, **Butler County**. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

37-00264: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) for operation of 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 in New Castle City, **Lawrence County**. The facility, because of rulemaking, is a Title V facility and is

therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214) for operation of an electric energy generating facility in Piney Township, **Clarion County**. This is a Title V Operating Permit Renewal.

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.

15-00067: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) on August 30, 2002, for operation of a Synthetic Minor Operating Permit in West Nottingham Township, **Chester County**.

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

06-03074: Super Service Painting and Sandblasting (2350 Camp Swatara Road, Myerstown, PA 17067) on August 21, 2002, for operation of a surface coating and sandblasting facility in Bethel Township, **Berks County**.

06-05023: Stroehmann Bakeries, LC (640 Park Avenue, Reading, PA 19611) on August 23, 2002, for operation of a bread baking facility controlled by a thermal oxidizer in the City of Reading, **Berks County**.

22-03017: Hoover Funeral Home and Crematory (6011 Linglestown Road, Harrisburg, PA 17112) on August 21, 2002, for operation of a crematory in Lower Paxton Township, **Dauphin County**.

67-05015: Topflight Corp. (277 Commerce Drive, Glen Rock, PA 17327) on August 26, 2002, for operation of a customized labeling facility in Springfield Township, **York County**.

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

65-00704: Greater Latrobe Senior High School (131 Arnold Palmer Drive, Latrobe, PA 15650) on August 27, 2002, for operation of three hot water boilers in Unity Township, **Westmoreland County**.

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

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**.

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

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

46-318-037: United States Can Co. (431 Privet Road, Horsham, PA 19044) on August 29, 2002, for side seam welding and coating lines in Horsham Township, **Montgomery County**.

09-00003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) administratively amended to address testing requirements of the appeal and the addition of a flexographic printing press in Upper Southampton Township, **Bucks County**. The facility's major emission points include flexographic printing presses, which emit major levels of VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.

08-0001A: Stroehmann Bakeries, LC (901 North Elmer Avenue, Sayre, PA 18840) on August 21, 2002, to incorporate conditions established in Plan Approval 08-0001B for a replacement catalytic oxidizer used for the control of VOC emissions from a bread baking oven in Sayre Borough, **Bradford County**.

08-313-038G: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on August 27, 2002, to delete two conditions pertaining to a tungsten carbide scrap magnetic separation system which was removed from service and to authorize the use of the cartridge collector and final filter assembly previously used for the control of particulate matter emissions from the tungsten carbide scrap magnetic separation system to control fugitive emissions from scrap repackaging activities in Towanda Borough, **Bradford County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

56-00181: Southern Alleghenies Landfill, Inc. (Westpointe Corporate Center One, Suite 2000, Moon Township, PA 15108) to increase site emissions of NOx by 0.650 ton, CO by 0.140 ton, SOx by 0.043 ton, PM-10 by 0.213 ton and VOC emissions 0.051 ton at their landfill in Conemaugh Township, **Somerset County**. The emission increases are due to the temporary processing of daily cover material. The Department has approved these emissions as de minimis emission increases in accordance with 25 Pa. Code § 127.449.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

17990103 and NPDES Permit No. PA 0238244. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 228.8 acres. Receiving streams: tributaries to Upper Morgan Run and Upper Morgan Run to Morgan Run to Clearfield Creek and Alexander Run to Japling Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received June 8, 1999. Permit issued August 14, 2002.

This permit was issued under a Project XL agreement between the Department and the EPA. Project XL is the EPA's program to test innovative approaches to environmental protection using regulatory flexibility to achieve superior environmental performance. Under Project XL, a Consent Order and Agreement between River Hill Coal Company, Inc. and the Department was executed on August 14, 2002. The purpose of this agreement is to improve water quality in Upper Morgan Run (Clearfield County) through encouraging remining and acid mine drainage abatement measures. The agreement will base compliance on instream water quality and the implementation of best management practices, instead of numeric effluent limitations measured at individual discharge points. The agreement applies only to this surface mining permit. Upper Morgan Run is one of up to eight acid mine drainage impacted watersheds where this approach under Project XL will be evaluated. The full text of the COA and the Project XL agreement can be obtained at www.dep.state.pa.us by navigating to Mineral Resources Management, District Mining Operation, Project XL or by contacting the Department's Hawk Run District Office at (814) 342-8200.

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

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 follow-

ing use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2002. Permit issued August 28, 2002.

11920104 and NPDES Permit No. PA0599484. K & J Coal Company, Inc., P. O. Box 189, Westover, PA 16692, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Chest and Chest Townships, Westover Borough, **Cambria and Clearfield Counties**, affecting 135.0 acres. Receiving streams: unnamed tributary to/and Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 19, 2002. Permit issued August 30, 2002.

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

10860118 and NPDES No. PA0107611. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip operation in Allegheny Township, **Butler County** affecting 124.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to North Branch Bear Creek. Application received June 18, 2002. Permit issued August 16, 2002.

1316-24930102-E-5. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Application for a stream encroachment to mine through and reconstruct a portion of unnamed tributary B to Brandy Camp Creek in Horton Township, **Elk County**. Receiving streams: unnamed tributary to Johnson Run and unnamed tributary to Brandy Camp Creek. Application received June 4, 2002. Permit issued August 21, 2002.

16010103 and NPDES No. PA0242021. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Commencement, operation and restoration of a bituminous strip and tippel refuse disposal operation in Perry Township, **Clarion County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River and unnamed tributaries to the Clarion River. Application received December 28, 2002. Permit issued August 26, 2002.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

58020805. Tammy Lynn Norton (R. R. 2 Box 135C, New Milford, PA 18834), commencement, operation and restoration of a small bluestone quarry operation in New Milford Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received February 19, 2002. Permit issued August 27, 2002.

8274SM2C4 and NPDES Permit PA0612871. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit in West Cocalico Township, **Lancaster County**, receiving stream: unnamed tributary to Indian Run. Application received July 16, 2002. Renewal issued August 28, 2002.

7975SM5C and NPDES Permit PA0118338. KPK Development Corp. (1082 Temperance Lane, Richboro, PA 18954), renewal of NPDES Permit in Falls Township, **Bucks County**, receiving stream: Delaware Canal. Application received July 5, 2002. Renewal issued August 28, 2002.

58002806. JB's Excavation Services, Inc. (2213 Long Creek Road, Apalachin, NY 13732), commencement, operation and restoration of a quarry operation in

Apolacon Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received May 1, 2000. Permit issued August 30, 2002.

58022803. JB's Excavation Services, Inc. (2213 Long Creek Road, Apalachin, NY 13732), commencement, operation and restoration of a quarry operation in Coconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 27, 2002. Permit issued August 30, 2002.

58020818. Tammy Lynn Norton (R. R. 2 Box 135C, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received April 19, 2002. Permit issued August 30, 2002.

58020829. Edward Greene, III (R. R. 3 Box 217-A3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Application received May 29, 2002. Permit issued August 30, 2002.

58020821. E.J.L. Holdings, LLC (R. D. 2 Box 2130, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County**, affecting 3.0 acres, receiving stream: unnamed tributary to East Branch Tunkhannock Creek. Application received April 26, 2002. Permit issued August 30, 2002.

66020803. William C. Pickett (R. R. 2 Box 2951, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 3.0 acres, receiving stream: none. Application received February 25, 2002. Permit issued August 30, 2002.

64010804. Litts & Sons Stone Co., Inc. (R. R. 3 Box 3310, Moscow, PA 18444), commencement, operation and restoration of a quarry operation in Sterling Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received April 30, 2002. Permit issued August 30, 2002.

64020801. Mickey Thomas Barhite (HC 65, Box 54, Mt. Pleasant, PA 18453), commencement, operation and restoration of a quarry operation in Mt. Pleasant Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received January 29, 2002. Permit issued August 30, 2002.

64022805. Wayco, Inc. (P. O. Box Y, Waymart, PA 18472), commencement, operation and restoration of quarry operation in South Canaan Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received April 22, 2002. Permit issued August 30, 2002.

58020823. D. Scott Tiffany (R. R. 3 Box 230 A-1, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 3, 2002. Permit issued August 30, 2002.

58020824. Walter Konsur (R. R. 1 Box 481, Jackson, PA 18825), commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 6, 2002. Permit issued August 30, 2002.

58020830. HB Williams, Inc. (R. R. 2 Box 188, Kingsley, PA 18826), commencement, operation and resto-

ration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 30, 2002. Permit issued August 30, 2002.

58020832. Kenneth R. Ely (P. O. Box 126, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 31, 2002. Permit issued August 30, 2002.

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

16960304. Milestone Crushed, Inc. (521 South Street, P. O. Box 644, Clarion, PA 16214). Renewal of NPDES No. PA0227251, Perry Township, **Jefferson County**. Receiving streams: Dunlap Creek. Application received January 31, 2002. Permit issued August 16, 2002.

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

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

E67-721. Hawk Lake Golf Course, 1605 Loucks Road, York, PA 17404 in West Manchester Township, **York County**.

To over excavate three sinkholes in a linear arrangement each having an average diameter of 10 feet then choking off the throat of each sinkhole with boulders and capping the boulders with concrete along an unnamed tributary to Willis Run (WWF) (West York, PA Quadrangle N: 18.5 inches; W: 4.0 inches) in West Manchester Township, York County.

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

E41-507. Department of Conservation and Natural Resources, Bureau of Forestry District 12, 423 East Central Avenue, South Williamsport, PA 17702. Water Obstruction and Encroachment Joint Permit Application, in Brown Township, **Lycoming County**, ACOE Susquehanna River Basin District (Slate Run, PA Quadrangle N: 22.4 inches; W: 9.0 inches).

To construct and maintain a single span stainless steel/concrete suspension bridge having a span of 307 feet and a width of 3.0 feet over Slate Run along Slate Run Road in Brown Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

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

E02-1350. Orix Woodmont Deer Creek Venture, 2100 West 7th Street, Fort Worth, TX 76107. Harmar Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a three span curved steel multi-girder bridge having a total span of 378 feet and an under clearance of approximately 30 feet, to construct and maintain a reinforced concrete arch culvert having a span of 42 feet and underclearance of 20 feet for a distance of 330 feet to construct and maintain a multi-span bridge having a total span of approximately 265 feet located over the upstream end of the concrete arch culvert, to place and maintain fill within the floodway for a distance of approximately 930 feet, to construct and maintain various outfall structures, to construct and maintain a 15 foot high retaining wall along the left bank floodway for a distance of approximately 150 feet. These activities are located in, along and across Deer Creek (WWF). This permit also authorizes the construction and maintenance of an extension to an existing 6 foot diameter RCP culvert for a distance of 12 feet within a tributary to Deer Creek (WWF), to place and maintain fill in 5.96 acres of wetlands (PEM/PSS) and to maintain fill already placed in 0.6 acre of wetlands. This work is being done as part of the construction of a mixed-use commercial center located

on the north side of the intersection of SR 28 and SR 910 and to the south of the Pennsylvania Turnpike. To meet the wetland replacement requirements the applicant proposes to construct 5.49 acres of wetland replacement on site and 1.75 acres of replacement wetlands offsite. The offsite replacement wetlands are located along the east side of SR 910 approximately 1,000 feet north of its intersection with Cedar Ridge Road (Glenshaw, PA Quadrangle N: 18.9 inches; W: 2.0 inches) in West Deer Township, Allegheny County. To provide for mitigation for the stream encroachments the applicant proposes to construct and maintain bank stabilization in two areas by using native material revetment for a total distance of 575 feet and to plant and maintain 700 feet of riparian zone. Additional mitigation consisting of wetland enhancement to two wetlands (3.05 acres), includes eradication of a non-native and invasive species and bank stabilization in three locations along Deer Creek within the conservation easement area. This authorization also includes the Environmental Assessment review for a nonjurisdictional dam (New Kensington West, PA Quadrangle N: 9.0 inches; W: 11.5 inches).

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

E10-344. Landmark Properties, Inc., 4848 Route 8, Unit 2, Allison Park, PA 15101. Emeryville Drive Lots 1 and 2, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 9.3 inches; W: 14.1 inches).

To fill 0.13 acre of wetland on Emeryville Drive Lots 1 and 2 for construction of a five-story office building and associated parking area along Emeryville Drive approximately 0.25 mile east of Margarite Drive. Also to construct and maintain a 6-inch diameter PVC sanitary sewer pipeline crossing across an unnamed tributary to Brush Creek. Project includes contribution to the Pennsylvania Wetland Replacement fund for replacement of impacted wetland.

E20-503. Titusville Redevelopment Authority, P. O. Box 425, Titusville, PA 16354-0425. Titusville Opportunity Park, in the City of Titusville, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 22.1 inches; W: 3.5 inches).

To perform site grading at five lots including impacts to a total of 5.51 acres of wetland for development of Titusville Opportunity Park industrial park project within the 100-year flood plain of Oil Creek on the former Cytemp Specialty Steel property south of SR 27 approximately 0.5 mile east of SR 8. Project includes creation of a total of 5.51 acres of replacement wetlands, restoration of 0.51 acre of impacted wetland and establishment of 43.22 acres of conservation easement within the 100-year flood plain of Oil Creek.

E20-515. Conneaut Lake Borough, North Third Street, Conneaut Lake, PA 16316. Fireman's Beach Shoreline Stabilization, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 19.3 inches; W: 7.2 inches).

To install and maintain approximately 500 feet of shoreline protection using precast concrete barriers along the western shore of Conneaut Lake at Fireman's Beach east of Lakeview Avenue approximately 400 feet north of Water Street (SR 322).

E24-223. Pennsylvania Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. SR 0948, Section A01, Segment 0070, Offset 0000 across tributary to Daguscahonda Run,

in Fox Township, **Elk County**, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 20.3 inches; W: 15.1 inches).

To remove the existing structure and to construct and maintain a 66-foot long precast reinforced concrete box culvert having a 10-foot wide by 3.8-foot high waterway opening in an unnamed tributary to Daguscahonda Run on SR 0948, Section A01, Segment 0070, Offset 0000.

E24-224, Jones Township, P. O. Box 25, Wilcox, PA 15870. Jones Township Ball Field Park, in Jones Township, **Elk County**, ACOE Pittsburgh District (Wilcox, PA Quadrangle N: 14.4 inches; W: 8.9 inches).

To construct and maintain a public park including a ball field, horseshoe pit, picnic pavilions, concession stand with restrooms, parking areas and other appurtenances within the 100-year flood plain near the confluence of West Branch Clarion River and Wilson Run and impacting a total of 0.15 acre of wetland south of T-631 (Old Kane Road) in the Village of Wilcox. Project includes creation of 0.16 acre of replacement wetland adjacent to existing wetlands onsite within the flood plain.

E24-225, Steven W. and Coleen B. Kronenwetter, R. R. 1, Box 84K, SR 555, Weedville, PA 15868. Wapiti Woods Driveway Construction, in Benezette Township, **Elk County**, ACOE Pittsburgh District (Weedville, PA Quadrangle N: 5.6 inches; W: 5.8 inches).

To construct and maintain a 12 foot wide driveway of which 350 feet of the driveway shall be constructed within 50 feet of the top of the bank of the Bennett Branch of Sinnemahoning Creek and over a de minimis wetland (0.002 acre) adjacent to the south side of SR 555 approximately 1 mile southwest of the intersection of SR 555 and SR 2004 to develop a rental cabin business on the property.

E25-650, Pennsylvania Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 4034, Section A70 Erie East Side Access Highway, in City of Erie, **Erie County**, ACOE Pittsburgh District.

To construct and maintain the following in tributaries to Lake Erie as part of the construction of the east side access highway, SR 4034, Section A70 (Erie South, PA Quadrangle N: 22.2 inches; W: 2.4 inches westward to Erie South, PA Quadrangle N: 22.4 inches; W: 5.8 inches): (1) a 320-foot long, 4-foot diameter reinforced concrete pipe extension to an existing stream enclosure in an unnamed tributary to McDaniel's Run; and (2) replacement of a portion of an existing stream enclosure with an approximately 35-foot long, 4.5-foot diameter reinforced concrete pipe and an approximately 35-foot long, 5-foot diameter reinforced concrete pipe in series in Cemetery Run. This project includes placement of fill in 0.58 acre of PFO wetland. Construction of replacement wetlands for this project was previously authorized under Permit E25-626.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D45-008EA. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Coolbaugh Township, **Monroe County**, ACOE Philadelphia District.

To breach and remove Bradys Lake Dam across Trout Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located on State Game Lands No. 127 (Thornhurst, PA Quadrangle, N: 6.8 inches, W: 4.2 inches).

EA36-0013CO. Ambassadors for Christ, Inc., 3256 Lincoln Highway East, Paradise, PA 17562. Paradise Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing jurisdictional dam across Eshleman Run (CWF), provide bank stabilization at the location of the dam and install grade control structures in the reservoir area upstream of the dam. Installation of a water intake structure and dredging of an existing off stream pond to its original storage capacity also are proposed to maintain water for a mill race that is linked to the dam. The dam is located approximately 4,000 feet upstream of the Lincoln Highway (U.S. Route 30) Bridge across Eshleman Run (New Holland, PA Quadrangle, N: 0.1 inch; W: 15.4 inches).

SPECIAL NOTICES

Intent to Use Coal Ash as Structural Fill per 25 Pa. Code § 287.661

The Department of Environmental Protection (Department), per 25 Pa. Code § 287.661(c), is hereby publishing a summary of an intent to use coal ash as structural fill to allow for public comment. Per 25 Pa. Code § 287.1, "structural fill" is defined as the "engineered use of coal ash as a base or foundation for a construction activity that is completed promptly after the placement of the coal ash, including the use of coal ash as a backfill material for retaining walls, foundations, ramps or other structures. The term does not include valley fills or the use of solid waste to fill open pits from coal or noncoal mining."

The written notice regarding this project was received on July 9, 2002, by the Department. This project may begin 60 days following this submittal date (September 9, 2002).

User of Coal Ash: Earth Conservancy, Inc., 11 South Main St., Ashley, PA 18706-1506.

Location of Use: The location of use, within the Hanover Crossings site, is the former Luzerne County Demolition Debris Landfill off SR 29 and Middle Road in Hanover Township, **Luzerne County**. This landfill was an unpermitted landfill that ceased operation in 1978. The Earth Conservancy is the landowner.

Description of Use: Approximately 213,200 cubic yards of coal ash, from the Northampton Generating Plant, 1 Horwith Drive, Northampton, PA 18067, will be used as structural fill for capping this former landfill as part of the redevelopment of this land for future use. The ash generated by Northampton Generating Company has been previously authorized for this use per the conditions of General Permit WMGR068, issued on March 20, 2001.

The coal ash will be utilized upon arrival at the site, with no intermediate unloading or stockpiling prior to use as structural fill per 25 Pa. Code § 287.661 and the separate conditions for use of General Permit WMGR068. The project is estimated to require 7 months for ash placement, plus 3 additional months for site preparation and post-placement stabilization activities.

Persons wishing to comment on this project should submit the comments in writing to William Tomayko, Regional Solid Waste Manager, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should include all reasonably available references, factual grounds and supporting materials.

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of August 2002, the Department of Environmental Protection, 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 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.

Name	Address	Type of Certification
Perry Ecksel	804 Second Street Pike Southampton, PA 18966	Testing
Donna Moles	207 DeKalb Street Norristown, PA 19401	Testing
Jeffrey Nicholls	P. O. Box 400 Henryville, PA 18332	Testing
Larry Radel	143 West Main Street Plymouth, PA 18651	Mitigation
Troy Rudy Allied Home Inspections, Inc.	P. O. Box 4214 Lancaster, PA 17604	Mitigation
Jeffrey Smith	2020 Bellmeade Drive Altoona, PA 16602	Testing
John Staz, III Environquest, Inc.	1738 North Third Street Harrisburg, PA 17102	Testing

[Pa.B. Doc. No. 02-1596. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

[Correction]

State Contracts Information

An error occurred in a Department of General Services notice published at 32 Pa.B. 4418, 4420 (September 6, 2002). The filing information was inadvertently omitted. The correct information is as follows: [Pa.B. Doc. No. 02-1584. Filed for public inspection September 6, 2002, 9:00 a.m.]

[Pa.B. Doc. No. 02-1584. Filed for public inspection September 6, 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 standard contained in this publication: 7.3.E9 (relating to patient care space in the newborn intensive care unit).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1597. Filed for public inspection September 13, 2002, 9:00 a.m.]

Application of Image Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Image Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.E1 (relating to soiled workrooms).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1598. Filed for public inspection September 13, 2002, 9:00 a.m.]

Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jameson Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 125.14(a) (relating to removal of a dead body from patient unit to morgue).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1599. Filed for public inspection September 13, 2002, 9:00 a.m.]

Application of LifeCare Hospitals of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that LifeCare Hospitals of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.6.C (relating to seclusion treatment room).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1600. Filed for public inspection September 13, 2002, 9:00 a.m.]

Application of St. Luke's Hospital Quakertown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Luke's Hospital Quakertown 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: 7.33 (relating to hyperbaric suite).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1601. Filed for public inspection September 13, 2002, 9:00 a.m.]

Application of Semper Care Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Semper Care 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: 7.2.B19 (relating to showers and bathtubs in medical/surgical nursing unit).

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.

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 listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the 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. 02-1602. Filed for public inspection September 13, 2002, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Lock Haven Hospital Extended Care Unit
24 Cree Drive
Lock Haven, PA 17745

Julia Pound Care Center
1155 Indian Spring Road
Indiana, PA 15701

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, e-mail PAEXCEPT@HEALTH.STATE.PA.US.

Persons who wish to comment on these exception requests may do so by sending a letter by mail, e-mail or facsimile to the Department at the address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division of Nursing Care Facilities at the previously listed address or numbers or 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. 02-1603. Filed for public inspection September 13, 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. § 300d-52 et seq.), will hold a public meeting on Wednesday, October 2, 2002, at the Health and Welfare Building, Conference Room 327, Commonwealth Avenue at Forster Street, Harrisburg, PA, 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 auxiliary aid, service or other accommodation to do so, should contact the Head Injury Program at (717) 772-4959, V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT] for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1604. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractor has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act, this contractor or any firms, corporations or partnerships in which this contractor has an interest shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
James S. Belmont, individually and d/b/a Hi-Tech Roofing (Fed. ER ID. # 23-2407000)	P. O. Box BD Wilkes-Barre, PA 18703 P. O. Box 824 Tunkhannock, PA 18657-0824 and c/o Riverstreet Gym River and Warren Streets Tunkhannock, PA 18657 and P. O. Box 47 Tunkhannock, PA 18657	08/22/02

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1605. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments to Nursing Facilities; July 1, 2001 Final Rates

The purpose of this notice is to announce final payment rates for nursing facilities beginning July 1, 2001, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33). A 2001-2002 Proposed Rates Notice was published at 31 Pa.B. 4018 (July 21, 2001) and provided for a 30-day comment period. A 2001-2002 Revised Proposed Rate notice was published at 31 Pa.B. 6748 (December 8, 2001) and provided a 30-day comment period. The Department of Public Welfare (Department) received two comment letters on the proposed July 1, 2001, rate notice that were considered in the development of the final rates.

The Department submitted a State Plan Amendment that was approved by the Centers for Medicare and Medicaid Services (CMS) on June 17, 2002, and changes the methods and standards for setting payment rates for nursing facility services relating to movable property.

Rates

The final July 1, 2001, rates are available through the local County Assistance Offices throughout this Common-

wealth or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 705-3705. The final July 1, 2001, rates and the data used to compute the rates may be found on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap.

Methodology

The methodology that the Department used to set the final rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for establishing the final rates is that the regulations in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

Appeals

A Medical Assistance nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 7 (July 1, 2001—June 30, 2002) may file an administrative appeal if it believes that the Department made any errors, or the provider otherwise disagrees with its year 7 rates. A provider's appeal must be in writing, sent to the Department's Bureau of Hearings and Appeals, P. O. 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of the Department's letter notifying the provider of its final rates. The filing of an appeal constitutes the exclusive way by which a provider can present the Department with a demand that a final rate be modified, reversed, rescinded, or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the provider under that rate. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The provider's rates may be changed as a result of the final adjudication of the appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 based on these final rates is \$102.576 million (\$46.783 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-329. (1) General Fund; (2) Implementing Year 2001-02 is \$46,783,000; (3) 1st Succeeding Year 2002-03 is \$51,036,000; 2nd Succeeding Year 2003-04 is \$51,036,000; 3rd Succeeding Year 2004-05 is \$51,036,000; 4th Succeeding Year 2005-06 is \$51,036,000; 5th Succeeding Year 2006-07 is \$51,036,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000;

1998-99 Program—\$721,631,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Finding for these changes is included in the 2001-02 and 02-03 budgets.

[Pa.B. Doc. No. 02-1606. Filed for public inspection September 13, 2002, 9:00 a.m.]

Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

Under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting), the Department of Public Welfare (Department) announces its peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities. The Department will use the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the period July 1, 2001, through June 30, 2002 (Year 7). The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services) as amended at 32 Pa.B. 734, 758 (February 9, 2002). The data that the Department used to determine the peer group medians and prices is available on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap.

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2001, and indexed the costs for each report forward to the common date of December 31, 2001, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2001.

GENERAL AND COUNTY NURSING FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1993	1	1.3295
June 30, 1995	6	1.2530
December 31, 1995	6	1.2394
June 30, 1996	27	1.2217
December 31, 1996	300	1.2025
June 30, 1997	268	1.1899
December 31, 1997	332	1.1677
June 30, 1998	267	1.1481
December 31, 1998	338	1.1320
June 30, 1999	261	1.1164
December 31, 1999	29	1.0872
June 30, 2000	1	1.0619

HOSPITAL-BASED NURSING FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1994	1	1.2858
June 30, 1995	1	1.2530
June 30, 1996	6	1.2217
June 30, 1997	20	1.1899

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1998	20	1.1481
June 30, 1999	15	1.1164

SPECIAL REHABILITATION FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1997	3	1.1899
June 30, 1998	3	1.1481
June 30, 1999	3	1.1164

*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the data base was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. To establish peer groups, the Department used the most recent Metropolitan Statistical Area (MSA) group classification as published by the Federal Office of Management and Budget on or before April 1, 2001, to classify each nursing facility into one of three MSA groups or one non-MSA group. Then the Department used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with 55 Pa. Code § 1187.94(1)(iv) (relating to peer grouping for price setting). Peer group 13 is designated for special rehabilitation facilities only, and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the data base was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for Year 7 are listed in Annex A.

A Medical Assistance nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 7 may file an administrative appeal if the provider believes that the Department made any errors, or the provider otherwise disagrees with the Year 7 peer group prices that the Department established for its peer group. A provider's appeal must be sent, in writing, to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the provider's rates may be changed as a result of the final adjudication of the provider's peer group price appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

Public comment regarding this notice may be sent to Gail Weidman, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,
Secretary

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter G. RATE SETTING

Appendix B

05/21/01
Rate year
2001

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
1	00756499	BEAVER VALLEY GERIATRIC CENTER	12/31/1998	12/31/1997	12/31/1996
1	01116388	CARE PAVILION OF WALNUT PARK, INC	06/30/1999	06/30/1998	06/30/1997
1	00751859	FAIR ACRES GERIATRIC CENTER	12/31/1998	12/31/1997	12/31/1996
1	00984215	IHS OF PA AT BROOMALL	12/31/1998	12/31/1997	12/31/1996
1	00757093	IMMACULATE MARY HOME	06/30/1999	06/30/1998	06/30/1997
1	00947848	J J KANE REGIONAL CTR—GLEN HAZEL	12/31/1998	12/31/1997	12/31/1996
1	00947866	J J KANE REGIONAL CTR—MCKEESPORT	12/31/1998	12/31/1997	12/31/1996
1	00934115	J J KANE REGIONAL CTR—ROSS TWNSHP	12/31/1998	12/31/1997	12/31/1996
1	00936808	J J KANE REGIONAL CTR—SCOTT TWNSHP	12/31/1998	12/31/1997	12/31/1996
1	00747758	MONTGOMERY CTY GERIATRIC & REHAB	12/31/1998	12/31/1997	12/31/1996
1	00748147	NESHAMINY MANOR HOME	12/31/1998	12/31/1997	12/31/1996
1	00756158	PHILADELPHIA NURSING HOME	12/31/1998	12/31/1997	12/31/1996
1	00755437	POCOPSON HOME	12/31/1998	12/31/1997	12/31/1996
1	00749430	SAINT FRANCIS COUNTRY HOUSE	06/30/1999	06/30/1998	06/30/1997
1	00755197	SAINT JOHN LUTHERAN CARE CENTER	06/30/1999	06/30/1998	06/30/1997
1	01664918	SAINT JOSEPH'S MANOR	06/30/1999	06/30/1997	06/30/1996
1	01751058	TEMPLE CONTINUING CARE—ROBINSON	06/30/1998	06/30/1997	06/30/1996
1	00576202	WESTMORELAND MANOR	12/31/1998	12/31/1997	12/31/1996

05/21/01
Rate year
2001

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
PG 1	Resident Care Median \$82.54	Other Resident Care Median \$41.39		Administrative Median \$13.30	
	Resident Care Price \$96.57	Other Resident Care Price \$46.36		Administrative Price \$13.83	
2	00633739	ASBURY HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
2	00756210	ASHTON HALL NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01559322	ATRIUM I NURSING AND REHAB CENTER	12/31/1998	12/31/1997	12/31/1996
2	01027036	ATTLEBORO NURSING AND REHAB CTR	12/31/1998	12/31/1997	12/31/1996
2	01185670	BALA NURSING AND RETIREMENT CTR	06/30/1999	06/30/1998	06/30/1997
2	00914319	BALDOCK HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
2	01104387	BALDWIN HEALTH CENTER, INC	06/30/1999	06/30/1998	06/30/1997
2	00745083	BAPTIST HOME OF PHILADELPHIA, THE	06/30/1999	06/30/1998	06/30/1997
2	00974694	BAPTIST HOMES NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
2	00857301	BEAVER VALLEY NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01814416	BELMONT AND PARKSIDE GERIATRIC CTR	06/30/1999	06/30/1998	06/30/1997
2	00972493	BEVERLY HLTHCARE—MONROEVILLE	12/31/1998	12/31/1997	12/31/1996
2	01684349	BEVERLY HLTHCARE—MT LEBANON MNR	12/31/1998	12/31/1997	12/31/1996
2	01688713	BEVERLY HLTHCARE—MURRYSVILLE	12/31/1998	12/31/1997	12/31/1996
2	00974273	BEVERLY HLTHCARE—UNIONTOWN	12/31/1998	12/31/1997	12/31/1996
2	00984583	BISHOP NURSING HOME, THE	06/30/1999	06/30/1998	06/30/1997
2	00987164	BRANDYWINE HALL	06/30/1999	06/30/1998	06/30/1997
2	01783490	BRIARCLIFF PAVILION FOR SPECIAL CARE	12/31/1998	12/31/1997	12/31/1996
2	00790866	BRIARLEAF NURSING AND CONVAL CTR	06/30/1999	06/30/1998	06/30/1997
2	00757422	BROOMALL PRESBYTERIAN VILLAGE	12/31/1998	12/31/1997	12/31/1996
2	01129330	BUCKINGHAM VALLEY REHAB & NRSG	06/30/1999	06/30/1998	06/30/1997
2	00757549	CATHEDRAL VILLAGE	06/30/1999	06/30/1998	06/30/1997
2	01689971	CHAPEL MANOR	12/31/1998	06/30/1997	06/30/1996
2	00756541	CHARLES M. MORRIS NSG & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	00751017	CHATHAM ACRES, INC	06/30/1999	06/30/1998	06/30/1997
2	01217710	CHELTENHAM NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01781100	CHELTENHAM YORK ROAD NSG & REHAB	06/30/1999	06/30/1998	06/30/1997
2	01566004	CHERRY TREE NURSING CENTER	12/31/1999	12/31/1998	12/31/1997
2	01817552	CHESTNUT STREET GERIATRIC CENTER	06/30/1999	06/30/1998	06/30/1997
2	01458553	CLIVEDEN CONVALESCENT CENTER	06/30/1999	06/30/1998	06/30/1997
2	00750815	CONCORDIA LUTHERAN MINISTRIES	06/30/1999	06/30/1998	06/30/1997
2	00982838	COUNTRY MEADOWS OF SOUTH HILLS	12/31/1998	12/31/1997	12/31/1996
2	00833284	CRESTVIEW CENTER	06/30/1999	06/30/1998	06/30/1997
2	01684198	DOYLESTOWN MANOR	12/31/1998	12/31/1997	12/31/1996
2	00860307	ELKINS CREST HEALTH AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01440307	ELMIRA JEFFRIES MEMORIAL HOME MGR	06/30/1999	06/30/1998	06/30/1997
2	00744970	EVANGELICAL MANOR	12/31/1998	12/31/1997	12/31/1996
2	00987155	FAIRVIEW CARE CTR OF BETHLEHEM PK	06/30/1999	06/30/1998	06/30/1997
2	00987173	FAIRVIEW CARE CTR OF PAPERMILL RD	06/30/1999	06/30/1998	06/30/1997
2	01663779	FORBES NURSING CENTER	06/30/1999	06/30/1998	06/30/1996
2	00974854	GERMANTOWN HOME	06/30/1999	06/30/1998	06/30/1997
2	01005048	GOLDEN SLIPPER CLUB UPTOWN HOME	06/30/1999	06/30/1998	06/30/1997
2	00951214	GREEN ACRES—IVY HILL NURSING HOME	06/30/1999	06/30/1998	06/30/1997
2	00791095	GREENLEAF NURSING HOME & CONVAL	06/30/1999	06/30/1998	06/30/1997
2	01836280	GREENSBURG CARE CENTER	12/31/1998	12/31/1997	12/31/1996
2	00757487	GWYNEDD SQUARE CTR NSG & CONVAL	06/30/1999	06/30/1998	06/30/1997
2	01836306	HARMAR VILLAGE CARE CENTER	12/31/1998		
2	01687073	HARSTON HALL	06/30/1997	06/30/1996	06/30/1995
2	01005093	HEARTLAND HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
2	01268915	HEMPFIELD MANOR	12/31/1998	12/31/1997	12/31/1996
2	01248609	HERITAGE SHADYSIDE, THE	06/30/1999	06/30/1998	06/30/1997
2	00810495	HILLCREST CENTER	06/30/1999	06/30/1998	06/30/1997
2	00899203	HOMESTEAD CENTER	06/30/1999	06/30/1998	06/30/1997
2	00998892	HUMBERT LANE HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
2	01075875	IHS AT MOUNTAIN VIEW	12/31/1998	12/31/1997	12/31/1996
2	00985938	IHS AT WHITEMARSH	12/31/1998	12/31/1997	12/31/1996
2	01700513	IHS GREENERY OF CANONSBURG	06/30/1999	06/30/1997	06/30/1996
2	01470511	IHS OF BRYN MAWR AT CHATEAU	12/31/1998	12/31/1997	12/31/1996

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2	00984224	IHS OF CHESTNUT HILL	12/31/1998	12/31/1997	12/31/1996
2	01239593	IHS OF GREATER PITTSBURGH	12/31/1998	12/31/1997	12/31/1996
2	01468649	IHS OF PA AT MARPLE	12/31/1998	12/31/1997	12/31/1996
2	01470520	IHS OF PA AT PLYMOUTH	12/31/1998	12/31/1997	12/31/1996
2	01664892	LAFAYETTE REDEEMER, THE	06/30/1999	06/30/1997	06/30/1996
2	00860675	LANGHORNE GARDENS REHAB & NSG	06/30/1999	06/30/1998	06/30/1997
2	00757413	LEMINGTON CENTER	06/30/1999	06/30/1998	06/30/1997
2	01625929	LGAR HEALTH AND REHABILITATION CTR	12/31/1998	12/31/1997	12/31/1996
2	00969999	LIBERTY COURT, GENESIS ELDERCARE	06/30/1999	06/30/1998	06/30/1997
2	01096599	LIFEQUEST NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
2	00756532	LITTLE FLOWER MANOR	06/30/1999	06/30/1998	06/30/1997
2	00935408	LUTHER WOODS CONVALESCENT CTR	12/31/1998	12/31/1997	12/31/1996
2	01296876	MAIN LINE NURSING AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
2	01717010	MAJESTIC OAKS	06/30/1998	06/30/1997	06/30/1996
2	01721077	MANATAWNY MANOR INC	06/30/1998	06/30/1997	06/30/1996
2	01085530	MANORCARE HEALTH—BETHEL PARK	12/31/1998	12/31/1997	12/31/1996
2	01106149	MANORCARE HEALTH—GREEN TREE	12/31/1998	12/31/1997	12/31/1996
2	01434990	MANORCARE HEALTH—HUNTINGDON VLY	12/31/1998	12/31/1997	12/31/1996
2	01211592	MANORCARE HEALTH—KING OF PRUSSIA	12/31/1998	12/31/1997	12/31/1996
2	01169621	MANORCARE HEALTH—LANSDALE	12/31/1998	12/31/1997	12/31/1996
2	01155671	MANORCARE HEALTH—MCMURRAY	12/31/1998	12/31/1997	12/31/1996
2	01601749	MANORCARE HEALTH—MERCY FITZGERLD	06/30/1999	06/30/1998	06/30/1997
2	01615056	MANORCARE HEALTH—MONROEVILLE	12/31/1999	12/31/1998	12/31/1997
2	01223379	MANORCARE HEALTH—NORTH HILLS	12/31/1998	12/31/1997	12/31/1996
2	00855100	MANORCARE HEALTH—POTTSTOWN	12/31/1998	12/31/1997	12/31/1996
2	01191909	MANORCARE HEALTH—YARDLEY	12/31/1998	12/31/1997	12/31/1996
2	00857286	MANORCARE HEALTH—YEADON	12/31/1998	12/31/1997	12/31/1996
2	01460257	MAPLEWOOD MANOR CONVALESCNT CTR	06/30/1999	06/30/1998	06/30/1997
2	00748951	MARIAN MANOR CORPORATION	06/30/1999	06/30/1998	06/30/1997
2	01470683	MARINER HEALTH CARE OF WEST HILLS	06/30/1999	06/30/1998	06/30/1997
2	00969504	MAYO CENTER	06/30/1999	06/30/1998	06/30/1997
2	01279703	MERCY SENIOR CARE: ST. JOSEPH'S	12/31/1998	12/31/1997	12/31/1996
2	01616170	METHODIST HOSPITAL NURSING CENTER	06/30/1999	06/30/1998	06/30/1996
2	00752112	MOUNT MACRINA MANOR NURSING HOME	06/30/1999	06/30/1998	06/30/1997
2	01680715	NORTH PENN CONVALESCENT CENTER	12/31/1998	12/31/1997	12/31/1996
2	01650832	NORTHWOOD NURSING & CONVALESCENT	06/30/1999	06/30/1998	06/30/1997
2	01690640	OXFORD HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
2	00757600	PARK PLEASANT HEALTH CARE FACILITY	06/30/1999	06/30/1998	06/30/1997
2	00756640	PASSAVANT RETIREMENT & HEALTH CTR	06/30/1999	06/30/1998	06/30/1997
2	01293963	PAUL'S RUN	12/31/1998	12/31/1997	12/31/1996
2	01177329	PEMBROOKE HEALTH & REHAB RES	06/30/1999	06/30/1998	06/30/1997
2	01064325	PENN CENTER FOR REHAB AND CARE	06/30/1999	06/30/1998	06/30/1997
2	01686970	PENNSBURG MANOR	12/31/1998	06/30/1997	06/30/1996
2	01816690	PHOEBE RICHLAND HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
2	01686559	PHOENIXVILLE CONVALESCENT MANOR	12/31/1998	12/31/1997	12/31/1996
2	01294817	PINE RUN HEALTH CENTER	06/30/1999	06/30/1998	06/30/1997
2	00974489	PRESBYTERIAN MED—WASHINGTON, PA	12/31/1998	12/31/1997	12/31/1996
2	01033893	PRESBYTERIAN MEDICAL CTR OAKMONT	12/31/1998	12/31/1997	12/31/1996
2	01177347	PROSPECT PARK HEALTH & REHAB RES	06/30/1999	06/30/1998	06/30/1997
2	01836333	PROVIDENCE CARE CENTER	12/31/1998	12/31/1997	12/31/1996
2	01644399	QUAKERTOWN CENTER	12/31/1998	12/31/1997	12/31/1996
2	00750744	REGINA COMMUNITY NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
2	01201783	RIDGE CREST NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01615065	RITTENHOUSE PINE CENTER	06/30/1999	06/30/1998	06/30/1997
2	00993831	RIVER'S EDGE NURSING AND REHAB CTR	12/31/1998	12/31/1997	12/31/1996
2	01056092	RIVERSIDE CARE CENTER	12/31/1998	12/31/1997	12/31/1996
2	01207938	ROCHESTER MANOR	12/31/1998	12/31/1997	12/31/1996
2	01835096	ROSLYN NURSING AND REHAB CENTER	06/30/1998	06/30/1997	06/30/1996
2	00749251	RYDAL PARK OF PHILADELPHIA PRSBYTR	12/31/1998	12/31/1997	12/31/1996
2	00756980	SACRED HEART MANOR	06/30/1999	06/30/1998	06/30/1997
2	00755295	SAINT ANNE HOME	06/30/1999	06/30/1998	06/30/1997
2	01723536	SAINT FRANCIS NURSING CTR CRANBERRY	06/30/1998	06/30/1997	06/30/1996

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2	01150684	SAINT FRANCIS NURSING CENTER, EAST	06/30/1999	06/30/1998	06/30/1997
2	00750824	SAINT IGNATIUS NURSING HOME	06/30/1999	06/30/1998	06/30/1997
2	00751269	SAINT JOHN NEUMANN NURSING HOME	06/30/1999	06/30/1998	06/30/1997
2	01163341	SAINT MARGARET SENECA PLACE	06/30/1999	06/30/1998	06/30/1997
2	01186041	SAINT MARTHA MANOR	06/30/1999	06/30/1998	06/30/1997
2	00749162	SAINT MARY'S MANOR	06/30/1999	06/30/1998	06/30/1997
2	01419822	SANATOGA CENTER	06/30/1999	06/30/1998	06/30/1997
2	00751920	SAUNDERS HOUSE	06/30/1999	06/30/1998	06/30/1997
2	01004846	SHADYSIDE NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01836342	SIDNEY SQUARE CARE CENTER	12/31/1998	12/31/1997	12/31/1996
2	00748011	SILVER LAKE CENTER	06/30/1999	06/30/1998	06/30/1997
2	00969513	SILVER STREAM CENTER	06/30/1999	06/30/1998	06/30/1997
2	00748568	SIMPSON HOUSE, INC	12/31/1998	12/31/1997	12/31/1996
2	01752574	SPRINGS AT THE FOUNTAINS, THE	12/31/1998	12/31/1997	12/31/1996
2	00750987	ST. BARNABAS, INC	06/30/1999	06/30/1998	06/30/1997
2	01035539	STAPELEY IN GERMANTOWN	06/30/1999	06/30/1998	06/30/1997
2	01723410	SUBURBAN WOODS HEALTH & REHAB CTR	06/30/1998	06/30/1997	06/30/1996
2	00750851	SUNNYVIEW HOME—BUTLER CNTY HOME	12/31/1998	12/31/1997	12/31/1996
2	00931543	SYCAMORE CREEK NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
2	01684385	TANDEM HEALTH CARE OF CHESWICK	06/30/1999	12/31/1997	12/31/1996
2	00749108	TEL HAI RETIREMENT COMMUNITY	06/30/1999	06/30/1998	06/30/1997
2	01689962	THE BELVEDERE, GENESIS CROZER-KEY	12/31/1998	06/30/1997	06/30/1996
2	01426157	TOWNE MANOR EAST	12/31/1998	12/31/1997	12/31/1996
2	01184557	TUCKER HOUSE	06/30/1999	06/30/1998	06/30/1997
2	01757300	VALLEY CARE MASONIC CENTER	06/30/1998	06/30/1997	06/30/1996
2	00860263	VALLEY MANOR NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	01644227	VILLA SAINT JOSEPH OF BADEN INC.	06/30/1999	06/30/1998	
2	01767094	VINCENTIAN HOME	06/30/1999	06/30/1998	06/30/1997
2	01775926	VINCENTIAN REGENCY	06/30/1999	06/30/1998	06/30/1997
2	01006199	WALLINGFORD NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
2	00757048	WASHINGTON COUNTY HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
2	00987870	WEST HAVEN NURSING HOME	06/30/1999	06/30/1998	06/30/1997
2	00958930	WEXFORD HOUSE	06/30/1999	06/30/1998	06/30/1997
2	01213550	WIGHTMAN CENTER FOR NSNG & REHAB	12/31/1998	12/31/1997	12/31/1996
2	01301134	WILKINS HOUSE, THE	12/31/1998	12/31/1997	12/31/1996
2	01636735	WILLOW RIDGE CENTER	12/31/1998		
2	01836351	WOODHAVEN CARE CENTER	12/31/1998	12/31/1997	06/30/1996
PG 2	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$73.99	\$31.48	\$14.54		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$86.57	\$35.26	\$15.12		
3	01432495	AMBLER REST CENTER	06/30/1999	06/30/1998	06/30/1997
3	00755301	ARTMAN LUTHERAN HOME	06/30/1999	06/30/1998	06/30/1997
3	00757333	AUTUMN GROVE CARE CENTER	06/30/1999	06/30/1998	06/30/1997
3	01013335	BELAIR HEALTH AND REHABILITATION CTR	06/30/1999	06/30/1998	06/30/1997
3	01149772	BELLE HAVEN	12/31/1998	12/31/1997	12/31/1996
3	00747060	BETHLEN HM OF HUNGARIAN RFRMD FED	12/31/1998	12/31/1997	12/31/1996
3	00965461	BEVERLY HEALTHCARE—OAKMONT	12/31/1998	12/31/1997	12/31/1996
3	01686620	BEVERLY HEALTHCARE—SOUTH HILLS	12/31/1998	12/31/1997	12/31/1996
3	01439727	BRINTON MANOR	12/31/1998	12/31/1997	12/31/1996
3	01681463	BRITTANY POINTE ESTATES	12/31/1998	12/31/1996	12/31/1995
3	01030200	CANTERBURY PLACE	12/31/1998	12/31/1997	12/31/1996
3	00776983	CARE CENTER AT MARTINS RUN, THE	12/31/1998	12/31/1997	12/31/1996
3	00747462	CHANDLER HALL	12/31/1998	12/31/1997	12/31/1996
3	01757285	CHICORA MEDICAL CENTER	06/30/1999	06/30/1998	06/30/1997
3	00745790	CHRIST'S HOME RETIREMENT CENTER	06/30/1999	06/30/1998	06/30/1997
3	01098575	COLLINS HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
3	00912092	CONNER-WILLIAMS NURSING HOME	06/30/1999	06/30/1998	06/30/1997
3	01679189	CONTINUING CARE NURSING & REHAB	06/30/1999		
3	01783516	COVENTRY MANOR NURSING HOME	06/30/1999	06/30/1998	06/30/1997
3	00887928	DOCK TERRACE	06/30/1999	06/30/1998	06/30/1997
3	00860272	DRESHER HILL HEALTH AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997

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3	01493427	EDGEHILL NURSING AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
3	01788460	EDGEWOOD NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01788479	ELDERCREST NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	00795441	ELM TERRACE GARDENS	06/30/1999	06/30/1998	06/30/1997
3	00795183	EMILY A MARKLE HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
3	01783543	EVERGREEN NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
3	01465692	FAIR WINDS MANOR	06/30/1999	06/30/1998	06/30/1997
3	01613392	FOX SUBACUTE CENTER	12/31/1998	12/31/1997	
3	00745092	FREDERICK MENNONITE COMMUNITY	12/31/1998	12/31/1997	12/31/1996
3	01145601	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/1998	12/31/1997	12/31/1996
3	00858050	GOLFVIEW MANOR NURSING HOME	06/30/1999	06/30/1998	06/30/1997
3	01836315	HARMON HOUSE CARE CENTER	12/31/1998	12/31/1997	12/31/1996
3	01788488	HAVENCREST NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01455847	HAVERFORD NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
3	01788989	HENRY CLAY VILLA	06/30/1997	06/30/1995	06/30/1993
3	01003580	HERITAGE TOWERS	12/31/1998	12/31/1997	12/31/1996
3	01120863	HICKORY HOUSE NURSING HOME	12/31/1998	12/31/1997	12/31/1996
3	01289165	HIGHLAND CENTER, GENESIS ELDERCARE	06/30/1999	06/30/1998	06/30/1997
3	00747186	HOLY FAMILY HOME	12/31/1998	12/31/1997	12/31/1996
3	01644370	HOPKINS CENTER	12/31/1998	12/31/1997	12/31/1996
3	01118408	HORIZON SENIOR CARE	06/30/1999	06/30/1998	06/30/1997
3	01785501	JEFFERSON HILLS MANOR	06/30/1999	06/30/1998	06/30/1997
3	01783614	KADE NURSING HOME	12/31/1998	12/31/1997	12/31/1996
3	00754574	KEARSLEY LONG TERM CARE CENTER	06/30/1999	06/30/1998	06/30/1997
3	00747990	LAFAYETTE MANOR, INC	12/31/1998	12/31/1997	12/31/1996
3	01193171	LAUREL RIDGE CENTER	06/30/1999	06/30/1998	06/30/1997
3	01593727	LAWSON NURSING HOME, INC.	12/31/1998	12/31/1997	
3	00750790	LITTLE SISTERS OF THE POOR	12/31/1999	12/31/1998	12/31/1997
3	01258140	LOYALHANNA CARE CENTER	12/31/1998	12/31/1997	12/31/1996
3	00750388	LUTHERAN COMM AT TELFORD HLTHCRE	06/30/1999	06/30/1998	06/30/1997
3	01456989	MARINER HEALTH CARE OF NORTH HILLS	06/30/1999	06/30/1998	06/30/1997
3	00754897	MARWOOD REST HOME, INC	06/30/1999	06/30/1998	06/30/1997
3	00746385	MARY J DREXEL HOME	12/31/1998	12/31/1997	12/31/1996
3	00747874	MASONIC HOME OF PENNSYLVANIA	12/31/1998	12/31/1997	12/31/1996
3	01275876	MCMURRAY HILLS MANOR	06/30/1999	06/30/1998	06/30/1997
3	01788497	MEADOWCREST NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01514803	NAAMANS CREEK COUNTRY MANOR	06/30/1999	06/30/1998	06/30/1997
3	01788503	OAK HILL NURSING AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
3	01627075	PENNYPACK CENTER	12/31/1998	12/31/1997	
3	00654855	PETER BECKER COMMUNITY	06/30/1999	06/30/1998	06/30/1997
3	00749476	PHILADELPHIA PROTESTANT HOME	12/31/1998	12/31/1997	12/31/1996
3	00750771	PICKERING MANOR HOME	06/30/1999	06/30/1998	06/30/1997
3	01560539	PRESBY HOME AGED COUPLES & PRSNS	12/31/1998	12/31/1997	12/31/1996
3	00757511	REDSTONE HIGHLANDS HEALTH CARE CTR	06/30/1999	06/30/1998	06/30/1997
3	00798677	REFORMED PRESBYTERIAN HOME	12/31/1998	12/31/1997	12/31/1996
3	00749850	REGINA COMMUNITY NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01129340	RICHBORO CARE CENTER	06/30/1999	06/30/1998	06/30/1997
3	00750931	ROCKHILL MENNONITE COMMUNITY	06/30/1999	06/30/1998	06/30/1997
3	01686568	ROSEMONT MANOR	12/31/1998	12/31/1997	12/31/1996
3	00749940	SAINT JOSEPH HOME FOR THE AGED	06/30/1999	06/30/1998	06/30/1997
3	01580415	SAINT JOSEPH VILLA	06/30/1999	06/30/1998	06/30/1997
3	01737685	SAXONY HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
3	01803717	SCOTTDALE MANOR REHABILITATION CTR	12/31/1998		
3	00882411	SHERWOOD OAKS	06/30/1999	06/30/1998	06/30/1997
3	01005039	SKY VUE TERRACE	06/30/1999	06/30/1998	06/30/1997
3	01017002	SOUDERTON MENNONITE HOMES	06/30/1999	06/30/1998	06/30/1997
3	01451688	SOUTH FAYETTE NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01667043	SOUTHWESTERN NURSING CENTER	06/30/1999	06/30/1998	06/30/1996
3	00860290	STATESMAN HEALTH AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
3	01291510	STENTON HALL NURSING & CONVAL CTR	12/31/1998	12/31/1997	12/31/1996
3	01426371	TOWNE MANOR WEST	12/31/1998	12/31/1997	12/31/1996
3	00757324	UNITARIAN UNIVERSALIST HOUSE	12/31/1998	12/31/1997	12/31/1996

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3	01216795	VALENCIA WOODS NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
3	01775917	VINCENTIAN DE MARILLAC	06/30/1999	06/30/1998	06/30/1997
3	01602835	WASHINGTON HOSP TRANSITIONAL CARE	06/30/1999	06/30/1998	
3	01708736	WAYNE CENTER	06/30/1999	06/30/1998	06/30/1997
3	01454607	WILLIAM PENN CARE CENTER	12/31/1998	12/31/1997	12/31/1996
3	00756523	WYNCOTE CHURCH HOME	06/30/1999	06/30/1998	06/30/1997
PG 3	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$71.89	\$31.83	\$14.74		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$84.11	\$35.65	\$15.33		
4	01157700	ALLIED SERVICES SKILLED NURSING CTR	06/30/1999	06/30/1998	06/30/1997
4	00576310	BERKS HEIM	12/31/1998	12/31/1997	12/31/1996
4	00755473	BRETHREN HOME COMMUNITY, THE	06/30/1999	06/30/1998	06/30/1997
4	00751741	CAMBRIA COUNTY HOME—LAUREL CREST	12/31/1998	12/31/1997	12/31/1996
4	00745299	CEDAR HAVEN	12/31/1998	12/31/1997	12/31/1996
4	00575770	CEDARBROOK	12/31/1998	12/31/1997	12/31/1996
4	00749064	CLAREMONT NRC OF CUMBERLAND CNTY	12/31/1998	12/31/1997	12/31/1996
4	00746240	COLONIAL MANOR NURSING HOME	12/31/1998	12/31/1997	12/31/1996
4	00745922	CONESTOGA VIEW	12/31/1998	12/31/1997	12/31/1996
4	00744872	DAUPHIN MANOR	12/31/1998	12/31/1997	12/31/1996
4	00751151	GRACEDALE—NORTHAMPTON COUNTY HM	12/31/1998	12/31/1997	12/31/1996
4	00757182	LACKAWANNA COUNTY HEALTH CARE CTR	12/31/1998	12/31/1997	12/31/1996
4	00754636	MASONIC HOMES	12/31/1998	12/31/1997	12/31/1996
4	00754814	MOUNTAIN VIEW MANOR NRSG AND REHAB	12/31/1998	12/31/1997	12/31/1996
4	01039117	PHOEBE HOME, INC	06/30/1999	06/30/1998	06/30/1997
4	00754583	PLEASANT RIDGE MANOR EAST/WEST	12/31/1998	12/31/1997	12/31/1996
4	00752275	VALLEY CREST NURSING HOME	12/31/1998	12/31/1997	12/31/1996
4	01686586	WEST SHORE HEALTH AND REHAB CENTER	12/31/1998	12/31/1997	12/31/1996
4	00750940	YORK COUNTY NURSING HOME	12/31/1998	12/31/1997	12/31/1996
PG 4	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$83.32	\$37.15	\$12.71		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$97.48	\$41.61	\$13.22		
5	01007632	ABINGTON MANOR	12/31/1998	12/31/1997	12/31/1996
5	01682845	ADAMS MANOR	12/31/1998	12/31/1997	12/31/1996
5	01486137	BERKSHIRE CENTER	06/30/1999	06/30/1998	06/30/1997
5	01750936	BERWICK RETIREMENT VLG NSNG CTR II	06/30/1998	06/30/1997	06/30/1996
5	00886448	BEVERLY HEALTHCARE—WESTERN RSRV	12/31/1998	12/31/1997	12/31/1996
5	00925715	BEVERLY MANOR	12/31/1998	12/31/1997	12/31/1996
5	01683477	BEVERLY MANOR OF LANCASTER	12/31/1998	12/31/1997	12/31/1996
5	00942091	BIRCHWOOD NURSING & REHAB CENTER	12/31/1999	12/31/1998	12/31/1997
5	01746684	BLOOMSBURG HEALTH CARE CENTER	06/30/2000	12/31/1998	12/31/1997
5	00744059	BRETHREN VILLAGE	06/30/1998	06/30/1997	06/30/1996
5	01009870	CARPENTER CARE CENTER	12/31/1998	12/31/1997	12/31/1996
5	00747426	CORNWALL MANOR	12/31/1998	12/31/1997	12/31/1996
5	01076228	CORRY MANOR	12/31/1998	12/31/1997	12/31/1996
5	01426291	DORRANCE MANOR	12/31/1998	12/31/1997	12/31/1996
5	01813849	DUNMORE HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
5	01024606	EAST MOUNTAIN MANOR	12/31/1998	12/31/1997	12/31/1996
5	01783552	EASTON NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
5	00744999	ECC RETIREMENT VLG—ALBRIGHT CAMPUS	12/31/1998	12/31/1997	12/31/1996
5	01076237	EDINBORO MANOR	12/31/1998	12/31/1997	12/31/1996
5	01253725	EPHRATA MANOR	12/31/1998	12/31/1997	12/31/1996
5	00756686	FAIRMOUNT HOMES	06/30/1999	06/30/1998	06/30/1997
5	01076246	FAIRVIEW MANOR	12/31/1998	12/31/1997	12/31/1996
5	01134930	FELLOWSHIP MANOR	06/30/1999	06/30/1998	06/30/1997
5	00949145	FREY VILLAGE	12/31/1998	12/31/1997	12/31/1996
5	01757973	GOOD SHEPHERD MUHLENBERG REHAB	06/30/1999	06/30/1998	06/30/1997
5	00969489	HAMILTON ARMS CENTER	06/30/1999	06/30/1998	06/30/1997
5	00886297	HANOVER HALL	12/31/1998	12/31/1997	12/31/1996
5	01525487	HARRISON HOUSE	12/31/1998	12/31/1997	12/31/1996
5	00756720	HEATHERBANK	12/31/1998	12/31/1997	12/31/1996

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5	01718474	HIGHLAND MANOR NURSING AND CONVAL	06/30/1998	06/30/1997	06/30/1996
5	01805589	HOLIDAY MANOR NURSING AND REHAB	06/30/1999	06/30/1998	06/30/1997
5	00965229	HOLY FAMILY MANOR, INC	12/31/1998	12/31/1997	12/31/1996
5	01568180	HOMEWOOD AT PLUM CREEK	12/31/1998	12/31/1997	12/31/1996
5	01060157	IHS OF ERIE AT BAYSIDE	12/31/1998	12/31/1997	12/31/1996
5	00974700	IHS OF HERSHEY AT WOODLANDS	12/31/1998	12/31/1997	12/31/1996
5	00747284	JEWISH HOME OF EASTERN PA	12/31/1998	12/31/1997	12/31/1996
5	00747275	JEWISH HOME OF GREATER HARRISBURG	06/30/1999	06/30/1998	06/30/1997
5	00985197	KUTZTOWN MANOR	06/30/1999	06/30/1998	06/30/1997
5	00756926	LANCASHIRE HALL	12/31/1998	12/31/1997	12/31/1996
5	01644380	LAUREL CENTER	12/31/1998	12/31/1997	12/31/1996
5	00747005	LEBANON VALLEY BRETHERN HOME	12/31/1998	12/31/1997	12/31/1996
5	01494498	LEHIGH CENTER	06/30/1999	06/30/1998	06/30/1997
5	00946090	LIBERTY NURSING AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
5	00751302	LITTLE FLOWER MNR DIOCESE SCRANTON	12/31/1998	12/31/1997	12/31/1996
5	00750898	LUTHERAN HOME AT TOPTON	12/31/1998	12/31/1997	12/31/1996
5	00755277	MAHONING VALLEY NURSING & REHAB CTR	12/31/1998	12/31/1997	12/31/1996
5	01134985	MANORCARE HEALTH SVCS—ALLENTOWN	12/31/1998	12/31/1997	12/31/1996
5	00860657	MANORCARE HEALTH SVCS—BETHLEHEM I	12/31/1998	12/31/1997	12/31/1996
5	00855174	MANORCARE HEALTH SVCS—BETHLEHEM II	12/31/1998	12/31/1997	12/31/1996
5	01106891	MANORCARE HEALTH SVCS—CARLISLE	12/31/1998	12/31/1997	12/31/1996
5	00854490	MANORCARE HEALTH SVCS—DALLASTOWN	12/31/1998	12/31/1997	12/31/1996
5	00879022	MANORCARE HEALTH SVCS—EASTON	12/31/1998	12/31/1997	12/31/1996
5	00854480	MANORCARE HEALTH SVCS—HARRISBURG	12/31/1999	12/31/1998	12/31/1997
5	00854604	MANORCARE HEALTH SVCS—KINGSTON	12/31/1998	12/31/1997	12/31/1996
5	00960518	MANORCARE HEALTH SVCS—KINGSTON CT	06/30/1999	06/30/1998	06/30/1997
5	00854515	MANORCARE HEALTH SVCS—LANCASTER	12/31/1998	12/31/1997	12/31/1996
5	00855094	MANORCARE HEALTH SVCS—LAURELDALE	12/31/1998	12/31/1997	12/31/1996
5	00854542	MANORCARE HEALTH SVCS—LEBANON	12/31/1999	12/31/1998	12/31/1997
5	00882402	MANORCARE HEALTH SVCS—SINKING SPRG	12/31/1999	12/31/1998	12/31/1997
5	00855067	MANORCARE HEALTH SVCS—W READING N	12/31/1999	12/31/1998	12/31/1997
5	00952060	MANORCARE HEALTH SVCS—YORK NORTH	06/30/1999	06/30/1998	06/30/1997
5	00952051	MANORCARE HEALTH SVCS—YORK SOUTH	06/30/1999	06/30/1998	06/30/1997
5	01665737	MAPLE FARM NURSING CENTER	06/30/1999	12/31/1996	12/31/1995
5	00916242	MEADOWS NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
5	00751554	MENNONITE HOME, THE	06/30/1999	06/30/1998	06/30/1997
5	00747981	MESSIAH VILLAGE	06/30/1999	06/30/1998	06/30/1997
5	00993199	MIFFLIN CENTER	12/31/1998	12/31/1997	12/31/1996
5	00755535	MORAVIAN MANOR	12/31/1998	12/31/1997	12/31/1996
5	01745874	MOUNTAIN CITY NURSING & REHAB CTR	06/30/1998	06/30/1997	06/30/1996
5	01390555	MOUNTAIN VIEW CARE CENTER	06/30/1999	06/30/1998	06/30/1997
5	01783679	ORANGEVILLE NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
5	00949207	PERRY VILLAGE	12/31/1998	12/31/1997	12/31/1996
5	01304216	PHOEBE BERKS HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
5	00776123	PHOEBE SLATE BELT NURSING & REHAB	06/30/1999	06/30/1998	06/30/1997
5	00751311	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/1998	12/31/1997	12/31/1996
5	00749681	QUARRYVILLE PRESBYTERIAN HOME	06/30/1999	06/30/1998	06/30/1997
5	00750566	REST HAVEN—YORK	06/30/1999	06/30/1998	06/30/1997
5	00993484	RIVERSTREET MANOR	12/31/1998	12/31/1997	12/31/1996
5	00749396	SAINT ANNE'S HOME	06/30/1999	06/30/1998	06/30/1997
5	00924683	SAINT LUKE PAVILION	12/31/1998	12/31/1997	12/31/1996
5	00750904	SAINT MARY'S HOME OF ERIE	12/31/1998	12/31/1997	12/31/1996
5	01550908	SHIPPENSBURG HEALTH CARE CENTER	12/31/1998	12/31/1997	12/31/1996
5	00854613	SPRUCE MANOR NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
5	01005164	SUMMIT HEALTH CARE CENTER, INC	12/31/1998	12/31/1997	12/31/1996
5	01240790	SUSQUEHANNA CENTER	06/30/1999	06/30/1998	06/30/1997
5	00949136	SUSQUEHANNA LUTHERAN VILLAGE	12/31/1998	12/31/1997	12/31/1996
5	00887712	TAYLOR NURSING AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
5	01005440	TWINBROOK MEDICAL CENTER	06/30/1999	06/30/1998	06/30/1997
5	00755965	VILLA TERESA	12/31/1998	12/31/1997	12/31/1996
5	00745477	WEATHERWOOD—CARBON CTY NH & REHAB	12/31/1998	12/31/1997	12/31/1996
5	00750664	WESLEY VILLAGE	12/31/1998	12/31/1997	12/31/1996

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5 PG 5	01416043	WOODLAND CENTER FOR NURSING Resident Care Median \$67.71 Resident Care Price \$79.22	06/30/1999	06/30/1998 Administrative Median \$12.98 Administrative Price \$13.50	06/30/1997
6	01013308	ABINGTON CREST NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
6	01783481	AUDUBON VILLA	06/30/1999	06/30/1998	06/30/1997
6	01692716	BALANCED CARE BLOOMSBURG	06/30/1999	06/30/1997	06/30/1996
6	01630642	BALANCED CARE, KINGSTON	06/30/1999	06/30/1998	12/31/1996
6	01630633	BALANCED CARE, MID VALLEY	06/30/1999	06/30/1998	12/31/1996
6	00747927	BALL PAVILION, THE	06/30/1999	06/30/1998	06/30/1997
6	00749592	BARBARA J. EGAN NURSING & REHAB CTR	12/31/1998	12/31/1997	12/31/1996
6	00881610	BEAR CREEK HEALTH CARE CENTER INC	06/30/1999	06/30/1998	06/30/1997
6	00746590	BETHANY VILLAGE RETIREMENT CENTER	12/31/1998	12/31/1997	12/31/1996
6	01682881	BEVERLY HEALTHCARE—ERIE	12/31/1998	12/31/1997	12/31/1996
6	01682872	BLUE RIDGE HAVEN CONVAL CTR—EAST	12/31/1998	12/31/1997	12/31/1996
6	00751581	BONHAM NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
6	01783507	BUTLER VALLEY MANOR	06/30/1999	06/30/1998	06/30/1997
6	00745243	CALVARY FELLOWSHIP HOMES, INC	06/30/1999	06/30/1998	06/30/1997
6	01391490	CAMP HILL CARE CENTER	12/31/1998	12/31/1997	12/31/1996
6	01721747	CARBONDALE NURSING HOME	12/31/1997	12/31/1996	12/31/1995
6	00745163	CHAPEL POINTE AT CARLISLE	12/31/1999	12/31/1998	12/31/1997
6	00747604	CHURCH OF GOD HOME, INC	12/31/1998	12/31/1997	12/31/1996
6	01281640	CUMBERLAND CROSSINGS	06/30/1999	06/30/1998	06/30/1997
6	00744890	DAVIS MANOR	06/30/1999	06/30/1998	06/30/1997
6	01783525	DENVER NURSING HOME	06/30/1999	06/30/1998	06/30/1997
6	01821152	ECC RETIREMENT VLG—STONERIDGE	12/31/1998	12/31/1997	12/31/1996
6	01690613	FOREST PARK HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
6	01420135	FOREST VIEW	06/30/1999	06/30/1998	06/30/1997
6	01783580	GREEN RIDGE NURSING HOME	06/30/1999	06/30/1998	06/30/1997
6	01004855	HAMPTON HOUSE	06/30/1999	06/30/1998	06/30/1997
6	00747551	HERITAGE HOUSE	06/30/1999	06/30/1998	06/30/1997
6	00750996	HOLY FAMILY RESIDENCE	12/31/1998	12/31/1997	12/31/1996
6	00757594	HOMELAND CENTER	06/30/1999	06/30/1998	06/30/1997
6	01063650	HOMESTEAD VILLAGE, INC	06/30/1999	06/30/1998	06/30/1997
6	00757370	KEPLER HOME, INC, THE	12/31/1999	12/31/1998	12/31/1997
6	00757530	KINKORA PYTHIAN HOME	06/30/1999	06/30/1998	06/30/1997
6	01783632	LAKESIDE NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
6	00838351	LANDIS HOMES	06/30/1999	06/30/1998	06/30/1997
6	00749126	LEBANON VALLEY HOME THE	12/31/1998	12/31/1997	12/31/1996
6	00752210	LUTHER ACRES MANOR	12/31/1998	12/31/1997	12/31/1996
6	00915693	LUTHER CREST NURSING FACILITY	12/31/1998	12/31/1997	12/31/1996
6	00751966	LUTHERAN HOME FOR THE AGED	12/31/1998	12/31/1997	12/31/1996
6	00754556	LUTHERAN NSG & REHAB CTR—SPRENKLE	12/31/1998	12/31/1997	12/31/1996
6	01606370	MANCHESTER PRESBYTERIAN LODGE	12/31/1998	12/31/1997	
6	00747669	MANORCARE HEALTH SVCS—CAMP HILL	12/31/1998	12/31/1997	12/31/1996
6	00752177	MANORCARE HEALTH SVCS—ELIZABETH TWN	12/31/1998	12/31/1997	12/31/1996
6	00757450	MARY ELLEN CONVALESCENT HOME, INC	06/30/1999	06/30/1998	06/30/1997
6	01238854	MERCY CENTER NURSING UNIT, INC	12/31/1999	12/31/1998	12/31/1997
6	00983049	MERCY HEALTH CARE CENTER	12/31/1998	12/31/1997	12/31/1996
6	00755179	MIDDLETOWN HOME, THE	12/31/1998	12/31/1997	12/31/1996
6	00754485	MILFORD VALLEY CONVALESCENT HOME	12/31/1998	12/31/1997	12/31/1996
6	01207929	MILLCREEK MANOR	06/30/1999	06/30/1998	06/30/1997
6	01783650	MILLVILLE HEALTH CENTER	06/30/1999	06/30/1998	06/30/1997
6	00747972	MISERICORDIA CONVALESCENT HOME	12/31/1999	12/31/1998	12/31/1997
6	01091752	MOSSER NURSING HOME	06/30/1999	06/30/1998	06/30/1997
6	00754888	MOUNT HOPE DUNKARD BRETH CHURCH	06/30/1999	06/30/1998	06/30/1997
6	01493436	MOUNTAIN REST NURSING HOME	06/30/1999	06/30/1998	06/30/1997
6	01783660	NIPPLE CONVALESCENT HOME	12/31/1998	12/31/1997	12/31/1996
6	01418781	NORMANDIE RIDGE	12/31/1998	12/31/1997	12/31/1996
6	01581978	OSPREY RIDGE HEALTHCARE AND REHAB	06/30/1999	06/30/1998	06/30/1997
6	01783570	PALMYRA NURSING HOME	06/30/1999	06/30/1998	06/30/1997

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6	01582465	PINNACLE HEALTH ECF	06/30/1999	06/30/1998	06/30/1997
6	01783599	PRAXIS ALZHEIMER'S FACILITY	06/30/1999	06/30/1998	06/30/1997
6	00756819	PRESBYTERIAN LODGE	12/31/1998	12/31/1997	12/31/1996
6	01232977	RHEEMS NURSING CENTER, INC	12/31/1998	12/31/1997	12/31/1996
6	00750753	SAINT LUKE MANOR	12/31/1998	12/31/1997	12/31/1996
6	00754940	SAINT MARY'S VILLA NURSING HOME, INC	12/31/1998	12/31/1997	12/31/1996
6	01106793	SARAH A REED RETIREMENT CENTER, THE	06/30/1999	06/30/1998	06/30/1997
6	01674763	SARAH A TODD MEMORIAL HOME	12/31/1998	12/31/1996	12/31/1995
6	00757146	SMITH HEALTH CARE, LTD	06/30/1998	06/30/1997	06/30/1996
6	00750261	SPANG CREST MANOR	12/31/1998	12/31/1997	12/31/1996
6	01788512	STONEBRIDGE HEALTH AND REHAB CTR	12/31/1999	12/31/1998	12/31/1997
6	01690650	SWAIM HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
6	01119719	THAELER HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
6	00767142	THORNWALD HOME	12/31/1998	12/31/1997	12/31/1996
6	01783623	TWIN OAKS NURSING HOME	06/30/1999	06/30/1998	06/30/1997
6	00749206	UNITED CHRISTIAN CHURCH HOME	12/31/1998	12/31/1997	12/31/1996
6	00748853	UNITED ZION RETIREMENT COMMUNITY	12/31/1998	12/31/1997	12/31/1996
6	01767719	VILLAGE VISTA SKILLED NURSING FACILITY	12/31/1997	12/31/1996	
6	01691076	WESTMINSTER VILLAGE	12/31/1998	12/31/1997	12/31/1996
6	01519891	WYOMISSING NURSING AND REHAB CTR	12/31/1998	12/31/1997	12/31/1996
6	00756407	ZERBE SISTERS NURSING CENTER, INC.	06/30/1999	06/30/1998	06/30/1997
PG 6	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$67.83	\$30.81	13.19		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$79.36	\$34.51	13.72		
8	01581969	ALTOONA HOSPITAL CTR FOR NSG CARE	12/31/1998	12/31/1997	
8	00754977	ARBUTUS PARK MANOR	06/30/1999	06/30/1998	06/30/1997
8	01391534	BEVERLY HEALTHCARE—HILLVIEW	12/31/1998	12/31/1997	12/31/1996
8	00583842	CENTRE CREST HOME	12/31/1998	12/31/1997	12/31/1996
8	00752041	CHURCH OF THE BRETHERN HOME	06/30/1999	06/30/1998	06/30/1997
8	00748343	GARVEY MANOR	12/31/1999	12/31/1998	12/31/1997
8	01568205	HOMWOOD AT MARTINSBURG PA INC	12/31/1998	12/31/1997	12/31/1996
8	01562201	LAUREL WOOD CARE CENTER	12/31/1998	12/31/1997	12/31/1996
8	00854524	MANORCARE HEALTH—JERSEY SHORE	12/31/1999	12/31/1998	12/31/1997
8	00858579	MANORCARE HEALTH—WILLIAMSPRT NRTH	12/31/1998	12/31/1997	12/31/1996
8	01539947	MEADOW VIEW NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
8	00750969	ORCHARD MANOR, INC	06/30/1999	06/30/1998	06/30/1997
8	00750305	PRESBYTERIAN HM OF MOSHANNON VLLY	12/31/1998	12/31/1997	12/31/1996
8	01140365	ROSE VIEW CENTER	06/30/1999	06/30/1998	06/30/1997
8	00748666	SAINT PAUL HOMES	12/31/1998	12/31/1997	12/31/1996
8	00748620	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/1999	06/30/1998	06/30/1997
8	01690669	SYCAMORE MANOR HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
8	01821180	UNIVERSITY PARK NURSING CENTER	12/31/1999	12/31/1998	12/31/1997
8	00754663	VALLEY VIEW HOME	12/31/1998	12/31/1997	12/31/1996
8	01402852	VALLEY VIEW NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
8	01783641	WHITE CLIFF NURSING HOME	12/31/1998	12/31/1997	12/31/1996
8	00749298	WILLIAMSPORT HOME, THE	12/31/1998	12/31/1997	12/31/1996
8	01678252	WOODLAND PLACE	12/31/1998	12/31/1997	12/31/1996
PG 8	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$67.38	\$32.37	11.41		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$78.83	\$36.25	11.87		
9	00970612	BEVERLY HEALTHCARE—MEYERSDALE	12/31/1998	12/31/1997	12/31/1996
9	00970597	BEVERLY HEALTHCARE—RICHLAND	12/31/1998	12/31/1997	12/31/1996
9	01513243	BUCHANNAN COMMONS	06/30/1999	06/30/1998	06/30/1997
9	01785539	CLEPPER MANOR	12/31/1999	12/31/1998	12/31/1997
9	01299009	COUNTRYSIDE CONVAL HM LTD PRTNRSH	06/30/1999	06/30/1998	06/30/1997
9	00749000	EPWORTH MANOR	12/31/1998	12/31/1997	12/31/1996
9	00989507	GOOD SAMARITAN NSG CARE—JOHNSTOWN	06/30/1999	06/30/1998	06/30/1997
9	00756766	GROVE MANOR	06/30/1999	06/30/1998	06/30/1997
9	00970640	HAIDA MANOR	12/31/1998	12/31/1997	12/31/1996
9	00897272	HOSPITALITY CARE CTR OF HERMITAGE	12/31/1998	12/31/1997	12/31/1996

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9	00747328	JOHN XXIII HOME	12/31/1998	12/31/1997	12/31/1996
9	01398900	LAUREL VIEW VILLAGE	06/30/1999	06/30/1998	06/30/1997
9	00755070	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/1998	12/31/1997	12/31/1996
9	00754761	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/1998	12/31/1997	12/31/1996
9	00854533	MANORCARE HEALTH SVCS—WILLIAMSPORT SOUTH	12/31/1998	12/31/1997	12/31/1996
9	01148200	MORAN'S HOME, INC	12/31/1998	12/31/1997	12/31/1996
9	00747220	MORRISONS COVE HOME	12/31/1998	12/31/1997	12/31/1996
9	01132980	NUGENT CONVALESCENT HOME	12/31/1998	12/31/1997	12/31/1996
9	00757164	PRESBYTERIAN HM OF REDSTONE PRESBY	12/31/1998	12/31/1997	12/31/1996
9	00755428	PRESBYTERIAN HOMES—PRESBY—HNTNGDN	12/31/1998	12/31/1997	12/31/1996
9	01586778	SOMERSET PATRIOT MANOR	12/31/1999	12/31/1998	12/31/1997
PG 9	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$59.14	\$28.02	12.33		
	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$69.19	\$31.38	12.82		
11	00755357	ARMSTRONG COUNTY HEALTH CENTER	12/31/1998	12/31/1997	12/31/1996
11	01586769	BEACON MANOR	12/31/1999	12/31/1998	12/31/1997
11	00928038	BEVERLY HEALTHCARE—SHIPPENVILLE	12/31/1998	12/31/1997	12/31/1996
11	01680724	BEVERLY HEALTHCARE—WILLIAM PENN	12/31/1998	12/31/1997	12/31/1996
11	00751287	BRADFORD COUNTY MANOR	12/31/1998	12/31/1997	12/31/1996
11	01076219	BRADFORD MANOR	12/31/1998	12/31/1997	12/31/1996
11	00747640	BROAD ACRES HEALTH AND REHAB CTR	12/31/1999	12/31/1998	12/31/1997
11	00854622	BROAD MOUNTAIN NURSING & REHAB CTR	06/30/1999	06/30/1998	06/30/1997
11	00745762	CHRIST THE KING MANOR	06/30/1999	06/30/1998	06/30/1997
11	00754903	CLARVIEW NURSING AND REHAB CENTER	12/31/1999	12/31/1998	12/31/1997
11	00747622	CRAWFORD COUNTY CARE CENTER	12/31/1998	12/31/1997	12/31/1996
11	00746349	DUBOIS NURSING HOME	06/30/1999	06/30/1998	06/30/1997
11	00747480	ELK HAVEN NURSING HOME	06/30/1999	06/30/1998	06/30/1997
11	00755446	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/1999	06/30/1998	06/30/1997
11	00745074	FALLING SPRING NURSING & REHAB CTR	12/31/1998	12/31/1997	12/31/1996
11	00884004	FOREST CITY NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
11	00745261	GOLDEN HILL NURSING HOME, INC	06/30/1999	06/30/1998	06/30/1997
11	00755375	GRANDVIEW HEALTH HOMES, INC	06/30/1999	06/30/1998	06/30/1997
11	00756891	GREEN ACRES—ADAMS CTY NSG & REHAB	12/31/1998	12/31/1997	12/31/1996
11	00756579	GREEN HOME, INC, THE	06/30/1999	06/30/1998	06/30/1997
11	00746975	HERITAGE NURSING HOME, INC	06/30/1999	06/30/1998	06/30/1997
11	01795651	HIGHLANDS CARE CENTER, THE	12/31/1997	12/31/1996	12/31/1995
11	00747337	HILLVIEW MANOR—LAWRENCE COUNTY	12/31/1998	12/31/1997	12/31/1996
11	01821170	HOMETOWN NURSING AND REHAB CTR	12/31/1999	12/31/1998	12/31/1997
11	01468907	IHS AT JULIA RIBAUDO	12/31/1998	12/31/1997	12/31/1996
11	00860791	INDIAN CREEK NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
11	00751886	INDIAN HAVEN NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
11	01033463	JEFFERSON MANOR HEALTH CENTER	06/30/1999	06/30/1998	06/30/1997
11	01690622	JULIA POUND CARE CENTER	12/31/1998	12/31/1997	12/31/1996
11	01836324	KITTANNING CARE CENTER	12/31/1998	12/31/1997	06/30/1995
11	00893729	KRAMM HEALTHCARE CENTER, INC	06/30/1999	06/30/1998	06/30/1997
11	00747266	KRAMM NURSING HOME, INC	06/30/1999	06/30/1998	06/30/1997
11	00854570	MANORCARE HEALTH SVCS—CHAMBERSBRG	12/31/1999	12/31/1998	12/31/1997
11	00855165	MANORCARE HEALTH SVCS—POTTSVILLE	12/31/1998	12/31/1997	12/31/1996
11	00854506	MANORCARE HEALTH SVCS—SUNBURY	12/31/1998	12/31/1997	12/31/1996
11	00748512	MENNO-HAVEN, INC.	12/31/1998	12/31/1997	12/31/1996
11	01821161	MOUNT CARMEL NURSING AND REHAB CTR	12/31/1999	12/31/1998	12/31/1997
11	00963799	MOUNTAIN LAUREL NRC	06/30/1999	06/30/1998	06/30/1997
11	00790570	NOTTINGHAM VILLAGE	12/31/1998	12/31/1997	12/31/1996
11	00949163	OHESON MANOR	12/31/1998	12/31/1997	12/31/1996
11	00776642	OIL CITY PRESBYTERIAN HOME	12/31/1998	12/31/1997	12/31/1996
11	01301303	ORWIGSBURG CENTER	06/30/1999	06/30/1998	06/30/1997
11	00997509	PENN LUTHERAN VILLAGE	12/31/1998	12/31/1997	12/31/1996
11	00949216	PENNKNOLE VILLAGE NURSING HOME	12/31/1998	12/31/1997	12/31/1996
11	00861959	PLEASANT VALLEY MANOR, INC	12/31/1998	12/31/1997	12/31/1996
11	00749627	QUINCY UNITED METHODIST HOME	12/31/1998	12/31/1997	12/31/1996

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	00749073	REST HAVEN	12/31/1998	12/31/1997	12/31/1996
11	01800199	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/1998	12/31/1997	12/31/1996
11	00754707	RIVER WOODS	12/31/1998	12/31/1997	12/31/1996
11	00749117	ROLLING FIELDS, INC	12/31/1998	12/31/1997	12/31/1996
11	01505063	ROLLING MEADOWS	06/30/1999	06/30/1998	06/30/1997
11	00756793	ROUSE WARREN COUNTY HOME	12/31/1998	12/31/1997	12/31/1996
11	01205791	SCHUYLKILL CENTER	06/30/1999	06/30/1998	06/30/1997
11	00754850	SENA-KEAN MANOR	12/31/1998	12/31/1997	12/31/1996
11	01821143	SHENANDOAH MANOR NURSING CENTER	12/31/1999	12/31/1998	12/31/1997
11	01626292	SHEPHERD'S CHOICE OF GETTYSBURG	12/31/1999	12/31/1998	12/31/1997
11	01688769	STROUD MANOR	12/31/1998	12/31/1997	12/31/1996
11	01677157	SUGAR CREEK STATION SKLD NSG	12/31/1998	12/31/1997	12/31/1996
11	00949557	SUSQUE VIEW HOME, INC	12/31/1998	12/31/1997	12/31/1996
11	01076255	SWEDEN VALLEY MANOR	12/31/1998	12/31/1997	12/31/1996
11	00860245	TREMONT HEALTH AND REHAB CENTER	06/30/1999	06/30/1998	06/30/1997
11	00756560	VALLEY VIEW HAVEN, INC	12/31/1998	12/31/1997	12/31/1996
11	01076264	WARREN MANOR	12/31/1998	12/31/1997	12/31/1996
11	01483313	WAYNE WOODLANDS MANOR	06/30/1999	06/30/1998	06/30/1997
11	00982408	WESBURY UNITED METHODIST COMMUNITY	12/31/1998	12/31/1997	12/31/1996
11	01263089	WOODLAND RETIREMENT CENTER	12/31/1998	12/31/1997	12/31/1996
PG 11	Resident Care Median \$61.37	Other Resident Care Median \$27.95	Administrative Median 11.40		
	Resident Care Price \$71.80	Other Resident Care Price \$31.30	Administrative Price 11.86		
12	01833707	AVALON NURSING CENTER	06/30/1999	06/30/1998	06/30/1997
12	01391552	BEVERLY HLTHCR—CAMBRIDGE SPRINGS	12/31/1998	12/31/1997	12/31/1996
12	01391516	BEVERLY HEALTHCARE—CLARION	12/31/1998	12/31/1997	12/31/1996
12	01411341	BEVERLY HEALTHCARE—GETTYSBURG	12/31/1998	12/31/1997	12/31/1996
12	00981429	BEVERLY HEALTHCARE—KINZUA VALLEY	12/31/1998	12/31/1997	12/31/1996
12	01391543	BEVERLY HEALTHCARE—MEADVILLE	12/31/1998	12/31/1997	12/31/1996
12	01126689	BEVERLY HEALTHCARE—MOUNTAIN VIEW	12/31/1998	12/31/1997	12/31/1996
12	00941989	BEVERLY HEALTHCARE—OIL CITY	12/31/1998	12/31/1997	12/31/1996
12	01391561	BEVERLY HEALTHCARE—TITUSVILLE	12/31/1998	12/31/1997	12/31/1996
12	01391507	BEVERLY HEALTHCARE—WARREN	12/31/1998	12/31/1997	12/31/1996
12	01391525	BEVERLY HEALTHCARE—WAYNESBURG	12/31/1998	12/31/1997	12/31/1996
12	01169200	BRADFORD ECUMENICAL HOME, INC	12/31/1998	12/31/1997	12/31/1996
12	01090002	BRADFORD NURSING PAVILION	06/30/1999	06/30/1998	06/30/1997
12	01701388	BROOKLINE MANOR	12/31/1997	12/31/1996	06/30/1995
12	00835411	BROOKMONT HEALTH CARE CENTER INC	06/30/1999	06/30/1998	06/30/1997
12	00948809	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/1998	12/31/1997	12/31/1996
12	01429631	CALEDONIA MANOR	12/31/1998	12/31/1997	12/31/1996
12	01547724	CARING PLACE, THE	06/30/1999	06/30/1998	06/30/1997
12	01800180	CARLETON SENIOR CARE AND REHAB CTR	12/31/1998	06/30/1996	06/30/1995
12	00755992	DAR WAY NURSING HOME, INC	06/30/1999	06/30/1998	06/30/1997
12	00746447	DONAHOE MANOR	06/30/1999	06/30/1998	06/30/1997
12	01553131	FRIENDLY NURSING HOME—PITMAN	06/30/1999	06/30/1998	06/30/1997
12	00754476	GETTYSBURG LUTHERAN HOME	12/31/1998	12/31/1997	12/31/1996
12	00746957	GOLD STAR NURSING HOME	06/30/1999	06/30/1998	06/30/1997
12	00752103	GUY AND MARY FELT MANOR, INC	06/30/1999	06/30/1998	06/30/1997
12	00751035	HAVEN CONVALESCENT HOME, INC	12/31/1998	12/31/1997	12/31/1996
12	01285433	HIGHLAND VIEW	06/30/1999	06/30/1998	06/30/1997
12	01526457	HUNTINGDON MANOR	06/30/1999	06/30/1998	06/30/1997
12	01800170	LAKEVIEW SENIOR CARE & LIVING CTR	12/31/1998	12/31/1997	
12	01805560	LAUREL CARE NURSING AND REHAB CTR	06/30/1999	06/30/1998	06/30/1997
12	00754799	LAUREL MANOR	06/30/1999	06/30/1998	06/30/1997
12	00949225	LOCUST GROVE RETIREMENT VILLAGE	12/31/1998	12/31/1997	12/31/1996
12	01646731	LOCUST MOUNTAIN NURSING & REHAB CTR	12/31/1998	06/30/1996	06/30/1995
12	01741525	LOVING CARE NURSING CENTER INC	06/30/1998	06/30/1997	06/30/1996
12	00746993	LUTHERAN HOME AT KANE, THE	12/31/1998	12/31/1997	12/31/1996
12	00747364	MALTA HOME	12/31/1999	12/31/1998	12/31/1997
12	00901670	MANSION NURSING & CONVALESCENT HM	12/31/1998	12/31/1997	12/31/1996
12	01121548	MARIA JOSEPH MANOR	12/31/1998	12/31/1997	12/31/1996

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	01803682	MEADOW VIEW SENIOR LIVING CENTER	12/31/1998	12/31/1996	12/31/1995
12	00754734	MEDA NIPPLE CONVALESCENT HOME	12/31/1998	12/31/1997	12/31/1996
12	01500951	MENNO-HAVEN PENN HALL, INC	12/31/1998	12/31/1997	12/31/1996
12	01803708	MULBERRY SQUARE	12/31/1998	12/31/1997	12/31/1996
12	01783561	OVERLOOK MEDICAL CLINIC INC	12/31/1998	12/31/1997	12/31/1996
12	00755230	PENNSYLVANIA MEMORIAL HOME	06/30/1999	06/30/1998	06/30/1997
12	01493445	ROLLING HILLS MANOR	06/30/1999	06/30/1998	06/30/1997
12	00757226	SAYRE HOUSE, INC	06/30/1999	06/30/1998	06/30/1997
12	00756031	SCENERY HILL MANOR	12/31/1998	12/31/1997	12/31/1996
12	01473273	SHENANGO PRESBYTERIAN HOME	12/31/1999	12/31/1998	12/31/1997
12	00755221	SHOOK HOME, THE	12/31/1998	12/31/1997	12/31/1996
12	01783605	SILVER OAKS NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
12	01092974	SNYDER MEMORIAL HEALTH CARE CTR	12/31/1998	12/31/1997	12/31/1996
12	00966807	SUGAR CREEK REST	06/30/1999	06/30/1998	06/30/1997
12	01625590	WESTMINSTER WOODS AT HUNTINGDON	12/31/1999	12/31/1998	12/31/1997
12	00895920	YORK TERRACE NURSING CENTER	12/31/1998	12/31/1997	12/31/1996
12	01553140	ZENDT HOME, THE	06/30/1999	06/30/1998	06/30/1997
PG 12	Resident Care Median \$61.42	Other Resident Care Median \$28.44	Administrative Median \$11.51		
	Resident Care Price \$71.86	Other Resident Care Price \$31.85	Administrative Price \$11.97		
13	00756701	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/1999	06/30/1998	06/30/1997
13	00756040	INGLIS HOUSE	06/30/1999	06/30/1998	06/30/1997
13	00879013	MARGARET E. MOUL HOME	06/30/1999	06/30/1998	06/30/1997
PG 13	Resident Care Median \$116.40	Other Resident Care Median \$65.28	Administrative Median \$28.98		
	Resident Care Price \$136.19	Other Resident Care Price \$73.11	Administrative Price \$30.14		
14	01275956	ASHLAND REGIONAL LONG TERM CARE CTR	06/30/1996	06/30/1995	06/30/1994
14	00747140	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/1999	06/30/1998	06/30/1997
14	01750927	BERWICK RETIREMENT VLG NRSNG CTR I	06/30/1998	06/30/1997	06/30/1996
14	00744630	BUCKTAIL MEDICAL CENTER	06/30/1999	06/30/1998	06/30/1997
14	00754832	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/1999	06/30/1998	06/30/1997
14	00756550	FULTON COUNTY MEDICAL CENTER LTCU	06/30/1998	06/30/1997	06/30/1996
14	00746723	GNADEN HUETTEN NSING & CONVAL CTR	06/30/1999	06/30/1998	06/30/1997
14	00747631	GRAND VIEW HOSPITAL SKILLED NURSING	06/30/1998	06/30/1997	06/30/1996
14	00747041	LOCK HAVEN HOSPITAL E.C.U.	06/30/1999	06/30/1998	06/30/1997
14	00754654	MEMORIAL HOSPITAL INC SNU	06/30/1999	06/30/1998	06/30/1997
14	01275268	MINERS MEMORIAL GERIATRIC CENTER	06/30/1999	06/30/1998	06/30/1997
14	00751438	MOSES TAYLOR HOSPITAL S.N.F.	06/30/1999	06/30/1998	06/30/1997
14	00748100	MUNCY VALLEY HOSPITAL SNU	06/30/1999	06/30/1998	06/30/1997
14	00747239	PINECREST MANOR	06/30/1999	06/30/1998	06/30/1997
14	01749013	PINNACLE HEALTH ECF HB	06/30/1999	06/30/1998	06/30/1997
14	01588683	PINNACLE HEALTH SNU—SEIDLE	06/30/1999	06/30/1998	06/30/1997
14	01073692	SAINT FRANCIS HOSPITAL OF NEW CASTLE	06/30/1999	06/30/1998	06/30/1997
14	00749369	SOMERSET HOSPITAL CTR FOR HEALTH	06/30/1999	06/30/1998	06/30/1997
14	00749387	SUNBURY COMMUNITY HOSPITAL SNF	06/30/1999	06/30/1998	06/30/1997
14	01751067	TEMPLE CONTINUING CARE CTR-SLEY	06/30/1998	06/30/1997	06/30/1996
14	00836230	WILLOWCREST	06/30/1998	06/30/1997	06/30/1996
PG 14	Resident Care Median \$84.96	Other Resident Care Median \$51.25 \$	Administrative Median 17.77		
	Resident Care Price \$99.40	Other Resident Care Price \$57.40	Administrative Price \$18.48		

Fiscal Note: 14-NOT-334. (1) General Fund; (2) Implementing Year 2001-02 is \$16,141,000; (3) 1st Succeeding Year 2002-03 is \$17,608,000; 2nd Succeeding Year 2003-04 is \$17,608,000; 3rd Succeeding Year 2004-05 is \$17,608,000; 4th Succeeding Year 2005-06 is \$17,608,000; 5th Succeeding Year 2006-07 is \$17,608,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2002-02 and 02-03 budgets.

[Pa.B. Doc. No. 02-1607. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Big Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Big Bucks.

2. *Price:* The price of a Pennsylvania Big Bucks instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Big Bucks instant lottery game ticket will contain one play area featuring a “Winning Numbers” area and a “Your Numbers” area. The play symbols and their captions located in the “Winning Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Moneybag Symbol (MNBAG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 12 “Prize” areas are: \$2.00 (TWO DOL), \$5.00 (FIV DOL), \$6.00 (SIX DOL), \$7.00 (SVN DOL), \$10.00 (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN) and \$75,000 (SVYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$100, \$250, \$500 and \$75,000. A player can win up to 11 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Big Bucks instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$75,000 (SVYFIVTHO) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$75,000.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$75,000 (SVYFIVTHO) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$500 (FIV HUN) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$250 (TWOHUNFTY) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$100 (ONE HUN) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$20\$ (TWENTY) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$15\$ (FIFTN) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$12\$ (TWELV) appears in the “Prize” area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$12\$ (TWELV) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$10.00 (TEN DOL) appears in

the "Prize" area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$7.⁰⁰ (SVN DOL) appears in the "Prize" area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$7.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$7.⁰⁰ (SVN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears in the "Prize" area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning

Numbers" play symbols and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Moneybag Symbol (MNBAG), and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the Moneybag Symbol (MNBAG) on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Any of the Winning Numbers, Win With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$5	\$5	1:15	336,000
\$5 (MB)	\$5	1:8.33	604,800
\$6	\$6	1:300	16,800
\$6 (MB)	\$6	1:75	67,200
\$7	\$7	1:300	16,800
\$7 (MB)	\$7	1:75	67,200
\$2 × 5	\$10	1:150	33,600
\$5 × 2	\$10	1:150	33,600
\$10	\$10	1:600	8,400
\$10 (MB)	\$10	1:600	8,400
\$6 × 2	\$12	1:300	16,800
\$5 + \$7	\$12	1:600	8,400
\$12	\$12	1:600	8,400
\$12 (MB)	\$12	1:600	8,400
\$5 × 3	\$15	1:150	33,600
\$10 + \$5	\$15	1:150	33,600
\$15	\$15	1:600	8,400
\$15 (MB)	\$15	1:600	8,400
\$15 + \$5	\$20	1:600	8,400
\$5 × 4	\$20	1:300	16,800
\$10 × 2	\$20	1:600	8,400
\$5 × 2 + \$10	\$20	1:300	16,800
\$7 × 2 + \$6	\$20	1:300	16,800
\$20	\$20	1:600	8,400
\$20 (MB)	\$20	1:600	8,400
\$20 × 5	\$100	1:480	10,500
\$10 × 5 + \$20 × 2 + \$5 × 2	\$100	1:342.86	14,700
\$15 × 4 + \$10 × 4	\$100	1:480	10,500
\$20 × 3 + \$5 × 8	\$100	1:400	12,600
\$100	\$100	1:1,200	4,200

When Any of Your Numbers Match Any of the Winning Numbers, Win With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$100 (MB)	\$100	1:923.08	5,460
\$250	\$250	1:60,000	84
\$250 (MB)	\$250	1:60,000	84
\$100 × 5	\$500	1:840,000	6
\$250 × 2	\$500	1:840,000	6
\$500	\$500	1:840,000	6
\$500 (MB)	\$500	1:840,000	6
\$75,000	\$75,000	1:1,680,000	3
\$75,000 (MB)	\$75,000	1:1,680,000	3

(MB) = (Money Bag) Win prize under it automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Big Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Big Bucks, prize money from winning Pennsylvania Big Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Big Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Big Bucks or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1608. Filed for public inspection September 13, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 54—Borough of Tarentum, Allegheny County. This parcel contains approximately 10,993± square feet of vacant land situated in the northwest

corner of Davidson Street and Conwell Avenue. The property will be sold in “as is condition.” The estimated fair market value of the parcel is \$16,500. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Raymond S. Hack, District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1609. Filed for public inspection September 13, 2002, 9:00 a.m.]

Finding Warren County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Fifth Avenue Bridge, carrying Fifth Avenue over the Conewango Creek, in the City of Warren, Warren County. The existing Fifth Avenue Bridge has been determined eligible for the National Register of Historic Places. The existing Fifth Avenue Bridge is also a contributing element of the National Register eligible Warren Historic District. The effect of this project on the existing Fifth Avenue Bridge and Warren Historic District will be mitigated by the following measures to minimize harm to the resources.

1. A marketing plan for the Fifth Avenue Bridge will be prepared in consultation with the State Historic Preservation Officer (SHPO). This plan shall include an information package about the bridge, a distribution list of potential purchasers or transferees and an advertising plan.

2. The existing Fifth Avenue Bridge shall be recorded to Historic American Building Survey/Historic American Engineering Record Standard.

3. The new bridge design shall be developed in coordination with the SHPO and submitted for review and comments.

4. A permanent display concerning bridges and/or transportation history in Warren shall be developed in consultation with the SHPO and be placed in a public location.

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. 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 effect.

No adverse environmental effect is likely to result from the removal of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1610. Filed for public inspection September 13, 2002, 9:00 a.m.]

HOUSING FINANCE AGENCY

Low Income Housing Tax Credit Program Public Hearing

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed Pennsylvania Amended 2003 Low Income Housing Tax Credit Allocation Plan. This public hearing will be held at 9 a.m. on September 30, 2002, at the Housing Finance Agency, 2101 North Front Street, Harrisburg, PA.

Copies of the proposed amended allocation plan are available upon written request at the following address, by phone at (717) 780-3948 or through the Agency's website at www.phfa.org. Individuals wishing to comment on the plan but unable to attend the scheduled hearing are invited to provide written comments no later than September 30, 2002, to Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Individuals planning to attend the public hearing should contact the Agency at (717) 780-3948.

WILLIAM C. BOSTIC,
Executive Director

[Pa.B. Doc. No. 02-1611. Filed for public inspection September 13, 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.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-200	Insurance Department Life Insurance; Annuity Disclosure	8/29/02
6-275	State Board of Education Academic Standards and Assessment for Civics and Government; Economics; Geography and History	9/3/02
6-276	State Board of Education Academic Standards and Assessment for Arts and Humanities; Health, Safety and Physical Education; and Family and Consumer Sciences	9/3/02
<i>Final-Omit</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-278	State Board of Education Academic Standards and Assessment, High School Graduation Requirements	8/30/02
54-58	Pennsylvania Liquor Control Board Chapter 9. Transportation, Importation, Disposition and Storage	9/4/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1612. Filed for public inspection September 13, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; James F. Mustoe and M & M Underwriting, Inc.; Doc. No. SC02-08-040

Notice is hereby given of the Order to Show Cause issued on August 30, 2002, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: sections 209, 604, 607, and 622 of the Insurance Department Act of 1921 (40 P. S. §§ 47, 234, 237, 252).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1613. Filed for public inspection September 13, 2002, 9:00 a.m.]

Pamela Eileen Garrett; Prehearing

License Denial; Doc. No. AG02-08-025

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for October 1, 2002, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 11, 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 telephone 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 September 20, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before September 27, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1614. Filed for public inspection September 13, 2002, 9:00 a.m.]

Medical Care Availability and Reduction of Error Fund Administrative Hearings Process; Notice No. 2002-08

Effective October 1, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.5108) establishes the Medical Care Availability and Reduction of Error Fund (MCare Fund) as a special fund within the State Treasury. The MCare Fund will be administered by the Insurance Department (Department). Timely appeals of written determinations made by the MCare Fund will be subject to the formal administrative hearings process of the Department. Appeals shall be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

An aggrieved party that disputes a written determination by the MCare Fund may request, in writing, a formal administrative hearing before the Insurance Commissioner. The written determination by the MCare Fund shall advise how to timely request a hearing before the Insurance Commissioner.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1615. Filed for public inspection September 13, 2002, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Steven E. Orlosky; file no. 02-182-07123; Travelers Insurance Company; doc. no. PH02-08-030; October 29, 2002, at 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. 02-1616. Filed for public inspection September 13, 2002, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Nationwide Mutual Fire Insurance Company; file no. 02-181-06954; Ale and Kathy Klaver; doc. no. PH02-08-31; October 29, 2002, at 12:30 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. 02-1617. Filed for public inspection September 13, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Northampton County, Wine & Spirits Shoppe #4814, 2473 Nazareth Road, Easton, PA 18045.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Routes 33 and 248, Lower Nazareth or Palmer Township.

Proposals due: October 4, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-1618. Filed for public inspection September 6, 2002, 9:00 a.m.]

MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND

Administrative Hearings Process; Notice No. 2002-08

Effective October 1, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.5108) establishes the Medical Care Availability and Reduction of Error Fund (MCare Fund) as a special fund within the State Treasury. The MCare Fund will be administered by the Insurance Department (Department). Timely appeals of written determinations made by the MCare Fund will be subject to the formal administrative hearings process of the Department. Appeals shall be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

An aggrieved party that disputes a written determination by the MCare Fund may request, in writing, a formal administrative hearing before the Insurance Commissioner. The written determination by the MCare Fund shall advise how to timely request a hearing before the Insurance Commissioner.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1619. Filed for public inspection September 13, 2002, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Drinking Water State Revolving Fund Projects Public Meeting on Federal FY 2003 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal fiscal year 2003 drinking water program Intended Use Plan (IUP) which includes a list of drinking water projects to be considered for a design and engineering or construction loan from funds Pennsylvania expects to receive from fiscal year 2003 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding in accordance with section 1452 of the Federal Safe Drinking Water Act (act). Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the DWSRF loan funds. Projects listed in the FY 2003 IUP are on Pennsylvania's FY 2002/2003 Project Priority List and are expected to proceed with design and engineering or to construction in the near future.

The FY 2003 IUP has 16 drinking water projects listed with a total dollar value of approximately \$27.3 million. The DWSRF will be capitalized with approximately \$25.9 million of Federal FY 2003 funds from the United States Environmental Protection Agency (EPA) and approximately \$5.2 million of State funds. The Commonwealth intends to also use \$4.2 million of recycled DWSRF funds. Additionally, PENNVEST and the Department reserve the right to transfer up to 1/3 of the DWSRF grant amount between the Clean Water State Revolving Fund and the DWSRF. Some \$8.0 million of available FY 2003 Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under section 1452 of the act. The IUP also includes a narrative workplan further describing how these set-aside funds will be used.

A public meeting will be held, as described in the following paragraphs. After the public meeting and assessment of the comments received, the Final FY 2003 IUP will be completed, and potentially, it may include other projects from the Project Priority List. A project must appear on the PENNVEST approved IUP before it can receive a loan from the DWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP.

Consequently, the rank ordered list of projects on the Project Priority List does not dictate the order in which projects will be chosen for inclusion in the IUP.

Federal guidance on development of the IUP requires that it be subject to public review and comment before being submitted to the EPA.

The Department has scheduled a public meeting for 10 a.m., October 17, 2002, in the Auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the fiscal year 2003 IUP. Interested persons are invited to express their views on the narrative portion of the IUP, the set-aside workplan or the priority rating or ranking of projects on the IUP at the public meeting. Persons who wish to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply and Wastewater Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744 or by e-mail amaisano@state.pa.us by 4 p.m., October 16, 2002. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the meeting.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUP, the set-aside workplan or the IUP list of projects. Interested persons may submit written comments to the Department at the address previously listed. The written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony Maisano at the previously noted address and telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The FY 2003 DWSRF IUP list of projects follows this notice. A copy of the IUP list, as well as the FY 2002/2003 Project Priority List, and the narrative portion of the IUP and set-aside workplan are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website http://www.dep.state.pa.us/dep/deputate/water_mgt/wsm/WSM_TAO/Finan_Tech_Asst.htm.

DEP—Southeast Region
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428-2233
(610) 832-6060

DEP—Northeast Region
Water Supply Manager
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2511

DEP—Southcentral Region:
Water Supply Manager
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4708

DEP—Northcentral Region
Water Supply Manager
208 West 3rd Street
Williamsport, PA 17701
(570) 327-3675

DEP—Southwest Region
Water Supply Manager
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4217

DEP—Northwest Region
Water Supply Manager
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6899

DEP—Bureau of Water Supply and Wastewater Management
Division of Municipal Financial Assistance
Administrative Services Section
10th Floor, RCSOB, 400 Market Street
Harrisburg, PA 17101
(717) 787-6744

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

DAVID E. HESS,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 2003 INTENDED USE PLAN PROJECT LIST
SEPTEMBER 14, 2002**

APPLICANT NAME: PA SUBURBAN WATER COMPANY (NESHAMINY) **COUNTY:** BUCKS **PROJECT RATING:** 31

STREET ADDRESS: 762 LANCASTER AVE. **REGION:** CONSHOCKEN **PROJRANK:** 1
CITY: BRYN MAWR, PA 19010 **PWSID:** 1460073 **PROJECT COST:** \$4,562,625
PPL YR: 2002-03 **PROJECT TYPE:** TRANS, WS

PROBLEM: Inadequate finished water storage impedes the filtering operation; old pumps and switchgear are difficult to maintain and subject to failure.

PROJECT: Construct a 2 million gallon clearwell for water storage, and renovate the high-lift pumping station by upgrading the building and replacing pumps, valves and switchgear.

APPLICANT NAME: NEW ALBANY BOROUGH **COUNTY:** BRADFORD **PROJECT RATING:** 75
STREET ADDRESS: P O BOX 67 **REGION:** WILLIAMSPORT **PROJRANK:** 2
CITY: NEW ALBANY, PA 18823 **PWSID:** 2080010 **PROJECT COST:** \$1,203,300
PPL YR: 2002-03 **PROJECT TYPE:** DS

PROBLEM: Existing system is grossly undersized and subject to significant leakage.

PROJECT: Construct a new distribution system consisting of approx. 18,100 LF of piping with appurtenances including valves and hydrants.

APPLICANT NAME: PA SUBURBAN WC (TAFTON) **COUNTY:** PIKE **PROJECT RATING:** 70
STREET ADDRESS: PO BOX 149 **REGION:** WILKES-BARRE **PROJRANK:** 3
CITY: HAWLEY, PA 18428 **PWSID:** 2520061 **PROJECT COST:** \$1,093,000
PPL YR: 2002-03 **PROJECT TYPE:** SRC,TREAT, TRANS, WS, DS

PROBLEM: Water system with inadequate water quality and quantity as well as operational and financial problems.

PROJECT: Construct a 55,000 gallon water storage tank, a booster pump station, well improvements, disinfection facilities, 73 water service lines and replace approximately 11,400 LF of undersized lines and appurtenances.

NOTICES

4557

APPLICANT NAME: KNOXVILLE BOROUGH **COUNTY:** TIOGA **PROJECT RATING:** 41
STREET ADDRESS: P. O. BOX 191 **REGION:** WILLIAMSPORT **PROJRANK:** 4
CITY: KNOXVILLE, PA 16928 **PWSID:** 2590036 **PROJECT COST:** \$200,000
PPL YR: 2002-03 **PROJECT TYPE:** WS

PROBLEM: Danger of finished water contamination due to damaged floating cover with standing water containing plant debris and algae.

PROJECT: Construct an aluminum dome cover for a water storage reservoir to replace the existing, damaged floating cover.

APPLICANT NAME: NORTHAMPTON **COUNTY:** LEHIGH **PROJECT RATING:** 55
BOROUGH MUNICIPAL
STREET ADDRESS: 1717 MAIN STREET **REGION:** WILKES-BARRE **PROJRANK:** 5
PO BOX 156
CITY: NORTHAMPTON, PA **PWSID:** 3480057 **PROJECT COST:** \$1,520,000
18067 **PPL YR:** 2002-03 **PROJECT TYPE:** TRANS,DS

PROBLEM: Insufficient water supply and water outages required hauling water during drought for a small non-viable water system.

PROJECT: Acquisition of Wynnwood Water Company and construction of 18,500 LF of 12-inch and 8-inch supply main, 18 fire hydrants and 230 service lines and meters.

APPLICANT NAME: AUBURN MUNICIPAL **COUNTY:** SCHUYLKILL **PROJECT RATING:** 23
AUTHORITY
STREET ADDRESS: 3RD STREET **REGION:** WILKES-BARRE **PROJRANK:** 6
CITY: AUBURN, PA 17922 **PWSID:** 3540015 **PROJECT COST:** \$255,565
PPL YR: 2002-03 **PROJECT TYPE:** WS

PROBLEM: Existing tank is 34 years old has safety deficiencies, in danger of failure, and has inadequate volume for current demand and fire protection needs.

PROJECT: Construct a 300,000 gallon water storage tank as a replacement for the existing tank.

APPLICANT NAME: NEW ENTERPRISE **COUNTY:** BEDFORD **PROJECT RATING:** 66
WATER ASSOCIATION
STREET ADDRESS: R.D. #1 BOX 326 **REGION:** HARRISBURG **PROJRANK:** 7
CITY: NEW ENTERPRISE, PA **PWSID:** 4050033 **PROJECT COST:** \$1,200,000
16664 **PPL YR:** 2002-03 **PROJECT TYPE:** TRANS, WS, DS

PROBLEM: Salemville system water is contaminated with surface water infiltration and Giardia; inadequate storage and pressure for consumer use and fire protection.

PROJECT: Construct a 278,000 water storage tank, 17,170 LF of transmission main, booster pump stations, and an interconnection with Salemville Water Association's distribution system; service connection to new office complex.

APPLICANT NAME: HIGHLAND SEWER AND **COUNTY:** CAMBRIA **PROJECT RATING:** 55
WATER AUTHORITY
STREET ADDRESS: 2305 BEDFORD STREET **REGION:** PITTSBURGH **PROJRANK:** 8
CITY: JOHNSTOWN, PA 15904 **PWSID:** 4110017 **PROJECT COST:** \$2,500,000
PPL YR: 2002-03 **PROJECT TYPE:** DS

PROBLEM: Small non-viable systems cannot provide for repair and disinfection of old pipelines. Inadequate flow for fire protection provided from existing 4-inch lines.

PROJECT: The Authority is taking over 8 small water systems and will construct improvements consisting of approx. 40,000 LF of 6-in. waterline to replace existing 4-inch lines, 220 service line upgrades, and 32 fire hydrants.

APPLICANT NAME: PITTSBURGH WATER **COUNTY:** ALLEGHENY **PROJECT RATING:** 30
AND SEWER
AUTHORITY
STREET ADDRESS: 441 SMITHFIELD ST. **REGION:** PITTSBURGH **PROJRANK:** 9
CITY: PITTSBURGH, PA 15222 **PWSID:** 5020038 **PROJECT COST:** \$4,821,500
PPL YR: 2002-03 **PROJECT TYPE:** TRANS, DS

PROBLEM: Undersized, deteriorated distribution lines in the Westwood and Squirrel Hill South areas; inadequate water pressure and volume for fire protection.

PROJECT: Construct 16,270 LF of 12-in. and 2,010 LF of 8-inch waterline, 44 fire hydrants, 75 valves, and appurtenances in the Westwood and Squirrel Hill service areas.

NOTICES

APPLICANT NAME: RESERVE TOWNSHIP **COUNTY:** ALLEGHENY **PROJECT RATING:** 40
STREET ADDRESS: 33 LONSDALE STREET **REGION:** PITTSBURGH **PROJRANK:** 10
CITY: PITTSBURGH, PA 15212 **PWSID:** 5020047 **PROJECT COST:** \$423,593
PPL YR: 2002-03 **PROJECT TYPE:** DS

PROBLEM: Poor water quality and low water pressure in the deteriorated, existing 70 year old waterline.

PROJECT: Construct 7,000 LF of 10-inch replacement water main along Spring Garden Road, 840 LF of service lines, 84 service connections, and 2 fire hydrants.

APPLICANT NAME: KENNEDY MOBILE **COUNTY:** BUTLER **PROJECT RATING:** 56
HOME PARK
STREET ADDRESS: RFD 2 c/o MRS THOMAS **REGION:** MEADVILLE **PROJRANK:** 11
RODGERS
CITY: HARRISVILLE, PA 16038 **PWSID:** 5100044 **PROJECT COST:** \$43,812
PPL YR: 2002-03 **PROJECT TYPE:** TRANS, DS

PROBLEM: Unpermitted public water supply with no disinfection and documented bacterial vilolation.

PROJECT: Construct a public water supply and associated treatment facilities for a mobile home park.

APPLICANT NAME: JOHNSONBURG **COUNTY:** ELK **PROJECT RATING:** 41
MUNICIPAL AUTHORITY
STREET ADDRESS: 532 MARKET STREET **REGION:** MEADVILLE **PROJRANK:** 12
CITY: JOHNSONBURG, PA **PWSID:** 6240007 **PROJECT COST:** \$647,870
15845
PPL YR: 2002-03 **PROJECT TYPE:** TREAT

PROBLEM: Existing backwash settling pond discharges high levels of aluminum into Silver Creek, a designated high quality stream under Chapter 93.

PROJECT: Construct a backwash recovery system consisting of a backwash tank and pump station to deliver settled backwash water to the mix tank at the front end of the filter system.

APPLICANT NAME: PA AMERICAN WATER **COUNTY:** BEAVER/
CO. (BUTLER) BUTLER **PROJECT RATING:** 51
STREET ADDRESS: 2736 ELLWOOD ROAD **REGION:** MEADVILLE **PROJRANK:** 13
CITY: NEW CASTLE, PA 16101 **PWSID:** 6370011 **PROJECT COST:** \$5,995,000
PPL YR: 2002-03 **PROJECT TYPE:** TRANS, DS

PROBLEM: Insufficient water supply in the Butler system; water supply and quality problems in private wells for new residential customers to be connected.

PROJECT: Construct an interconnection of the Elwood and Butler water systems consisting 68,500 LF of waterline, two booster stations, water tank relocation, treatment facilities, and 105 residential service connections along the new pipeline.

APPLICANT NAME: ELIZABETHVILLE AREA **COUNTY:** DAUPHIN **PROJECT RATING:** 28
AUTHORITY
STREET ADDRESS: R.D.#1, BOX 20 **REGION:** HARRISBURG **PROJRANK:** 14
CITY: ELIZABETHVILLE, PA **PWSID:** 7220003 **PROJECT COST:** \$600,000
17023
PPL YR: 2002-03 **PROJECT TYPE:** DS

PROBLEM: Decline in well production, partially due to water loss from the deteriorated distribution system, and associated substandard fire protection capability.

PROJECT: Construct and replace 3,636 LF of water main, 8 hydrants, valves and services along Market Street.

APPLICANT NAME: CAMBRIA SOMERSET **COUNTY:** CAMBRIA/
AUTHORITY SOMERSET **PROJECT RATING:** 38
STREET ADDRESS: 244 WALNUT STREET **REGION:** PITTSBURGH **PROJRANK:** 15
CITY: JOHNSTOWN, PA 15901 **PWSID:** 4119996 **PROJECT COST:** \$1,767,285
PPL YR: 2002-03 **PROJECT TYPE:** TRANS

PROBLEM: Loss of service as a result of failures in the Quemahoning raw water supply pipeline.

PROJECT: Construct a new liner in an existing 66-inch pipeline.

APPLICANT NAME: UPPER POTTS GROVE TOWNSHIP
STREET ADDRESS: 1420 HEATHER PLACE
CITY: POTTSTOWN, PA 19464
COUNTY: MONTGOMERY
REGION: CONSHOCKEN
PWSID: 1460092
PPL YR: 2002-03
PROJECT RATING: 50
PROJRANK: 16
PROJECT COST: \$450,000
PROJECT TYPE: TRANS, DS

PROBLEM: Frequent failures of existing wells and poor water quality.

PROJECT: Construct 8,370 LF of water main to provide service to 127 residential units in the Regal Oaks subdivision.

NUMBER OF PROJECTS ON IUP FOR FY 2003: 16
TOTAL AMOUNT OF PROJECTS: \$27,283,550.00

LEGEND FOR PROJECT TYPE: SRC = SOURCE TRANS = TRANSMISSION
TREAT = TREATMENT WS = WATER STORAGE DS = DISTRIBUTION

[Pa.B. Doc. No. 02-1620. Filed for public inspection September 13, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

September 14, 2002

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 October 7, 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.

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-00107469, Folder 1, Am-A. James Joyce t/d/b/a J's Executive Limousine Service (3840 Delco Road, Pittsburgh, Allegheny County, PA 15227)—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:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00117472, Folder 2, Am-A. Alpha & Omega Transportation, Inc. (1004 5th Avenue, Coraopolis, Allegheny County, PA 15108), a Pennsylvania corporation—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:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00117049, Folder 1, Am-A. Paul K. Brown t/d/b/a Professional Limousine Service (P. O. Box 99531, Pittsburgh, Allegheny County, PA 15233), a Pennsylvania corporation—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

C & J MARKETING CONSULTANTS LTD
TA TROLLEY EXPRESS
609 MORGAN DRIVE EAST SUITE 101
COATESVILLE PA 19320

Pennsylvania Public Utility Commission

v.

C & J Marketing Consultants, Ltd., t/a Trolley Express
A-00113851C0201
A-00113851

Dear Respondent:

On March 11, 2002, the Bureau of Transportation and Safety instituted a complaint against C & J Marketing Consultants, Ltd., t/a Trolley Express, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint was published in the *Pennsylvania Bulletin*, Vol. 32, No. 23, on June 8, 2002; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

The certificate of public convenience held by C & J Marketing Consultants, Ltd., t/a Trolley Express at A-00113851 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, et seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or

money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Very truly yours,
James J. McNulty
Secretary

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Grace Transportation Services; Doc. No. A-00111925C0201; A-00111925

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 Grace Transportation Services, respondent, maintains its principal place of business at P. O. Box 24999, Greenville, SC 29616.

2. That respondent was issued a certificate of public convenience by this Commission on July 18, 1995 at Application Docket No. A-00111925.

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 Grace Transportation Services' Certificate of Public Convenience at A-00111925.

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 circum-

stances 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.

September 14, 2002

P G BOYER ENTERPRISE CORP
T/A YOUNGS LIMOUSINE SERVICE
228 NORTH MAIN STREET
SOUDERTON PA 18964

Pennsylvania Public Utility Commission

v.
P. G. Boyer Enterprise Corp., t/a Young's Limousine Service
A-00108003C0201
A-00108003

Dear Respondent:

On March 11, 2002, the Bureau of Transportation and Safety instituted a complaint against P. G. Boyer Enterprise Corp., t/a Young's Limousine Service, alleging respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request that the Commission enter an order imposing a penalty.

The complaint and notice were published in the *Pennsylvania Bulletin* on June 8, 2002, Volume 32, No. 23; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained. The certificate of public convenience held by P. G. Boyer Enterprise Corp., t/a Young's Limousine Service at A-00108003 is hereby revoked and respondent shall cease and desist from further violations of the Public Utility Code, 66 Pa. Code §§ 101, *et seq.* and the regulations of this Commission, 52 Pa. Code §§ 1.1, *et seq.* In view of the cancellation of the respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common

carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Very truly yours,
James J. McNulty
Secretary

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1621. Filed for public inspection September 13, 2002, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, September 26, 2002, for Project #0284.P, Janitorial Supplies. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available Tuesday, September 17, 2002. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 02-1622. Filed for public inspection September 13, 2002, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 23, 2002	Suzanne P. Murdza (Adjustment Waiver)	1 p.m.
	Frances J. Kalafsky (Change of Option)	2:30 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 02-1623. Filed for public inspection September 13, 2002, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has 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 Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 2, 2002	Barbara A. Marinucci (Applying for disability retirement after termination from State service)	1 p.m.
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Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing 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 BROSIOUS,
Secretary

[Pa.B. Doc. No. 02-1624. Filed for public inspection September 13, 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 26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

③ Contract Information
 ④ Department
 ⑤ Location
 ⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

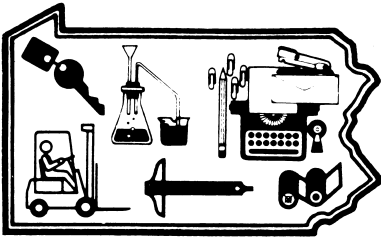
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

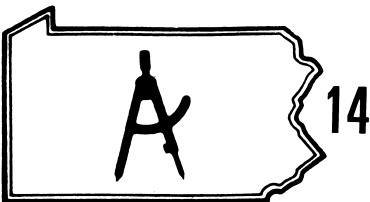


Commodities

LE-02002 Pre-Arrest Breath Testing Device.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: One Time Purchase
Contact: Dennis Grove, (717) 705-7915

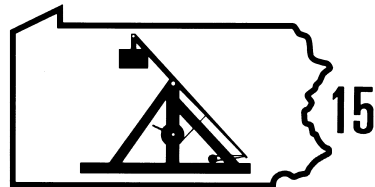
SERVICES



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



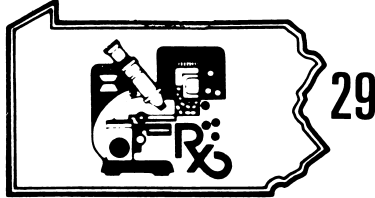
Environmental Maintenance Service

OSM 02(1582)201.1 Mine Subsidence Control Project, Murray School East. The intent of this project is to stabilize 3 residential dwellings. Principle items of work and approximate quantities are 75 l.f. overburden drilling and casing, 230 l.f. 4-inch air rotary drilling, 193 l.f. 4-inch nominal steel or PVC injection casing, 9,573 bags cement, 3,191 ton fly ash, 20 ton AASHTO no. 57 stone, and sealing 10 boreholes. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant.

Department: Environmental Protection
Location: City of Pittsburgh, Allegheny County
Duration: 60 calendar days after notice to proceed
Contact: Construction Contracts, (717) 783-7994

OSM 37(0141)102.1 Abandoned Mine Reclamation Project, Glenkirk School SW. Work consists of implementation of the Erosion and Sediment Pollution Control Plan, backfilling approximately 700 ft. of highwall, grading 127,500 c.y., seeding 15 acres and disposal of solid waste trash. Federal funds are available for this project from the \$24.7 million 2002 Pennsylvania AML grant.

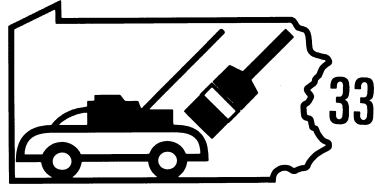
Department: Environmental Protection
Location: New Beaver Borough, Lawrence County
Duration: 120 calendar days after notice to proceed
Contact: Construction Contracts, (717) 783-7994



Medical Services

SP 20777017 Provide Medical Services (Oral Surgery) to patients of Clarks Summit State Hospital. Send a fax with your company name, address, telephone & fax numbers, Federal I.D. Number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

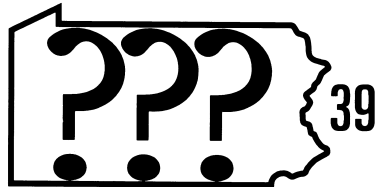
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: 01/01/03 through 12/30/05.
Contact: Stanley Rygelski, PA (570) 587-7291



Property Maintenance

020S71 Herbicide spraying of roadsides or other areas as directed. PENNDOT will supply all of the spray material. Fax your request for bid package to Janis Miele at (814) 765-0424 or e-mail to mielejm@dot.state.pa.us; include company name, address, phone no. fax no., and contact person.

Department: Transportation
Location: Cameron, Centre, Clearfield, Clinton, Elk, McKean, Mifflin, Potter, and Juniata Counties
Duration: Estimated one year with option of four one-year renewals, each renewal is optional
Contact: Janis Miele, (814) 765-0404



Miscellaneous

201204 Epoxy two-part paint, epoxy two-part rust inhibitor, and compatible reducer-- These products may be used on steel and galvanized metal surfaces. Fax your request to Sharon Baughman at (814) 486-1889 or e-mail to shbaughman@state.pa.us; include company name, address, phone no., fax no., and contact person.

Department: Transportation
Location: Cameron Regional Repair Facility, Emporium, PA
Duration: Approximately one year
Contact: Sharon Baughman, (814) 486-3727

[Pa.B. Doc. No. 02-1625. Filed for public inspection September 13, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY 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
5810-03 SUPP #14	09/03/02	KGA Technolo- gies Corpo- ration	5,000.00
5810-03 SUPP #14	09/03/02	Onnirim Solu- tions (USA) Inc	5,000.00
5810-03 SUPP #14	09/03/02	Rightnow Technologies Inc	5,000.00
7930-04	09/02/02	Burns Chemi- cal Systems Inc	220,000.00
7930-04	09/02/02	Ecolab Inc	220,000.00
7930-04	09/02/02	Sanolite Cor- poration	220,000.00
8105-04 RIP #2 & SUPP #1	08/29/02	Duro Standard Products Company Inc	688,840.00
9985-24	09/03/02	Am-Gard Inc	50,000.00
9985-24	09/03/02	Krayer Detec- tive Agency Inc	50,000.00
9985-24	09/03/02	L Washington & Associates	50,000.00
9985-24	09/03/02	Leonard Secu- rity Services Inc	50,000.00
9985-24	09/03/02	Pat Curley De- tective Agency Inc	50,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
9985-24	09/03/02	Philadelphia Protection Service	50,000.00
9985-24	09/03/02	Pinpoint Pro- tection Ser- vices Inc	50,000.00
9985-24	09/03/02	Schadd Detec- tive Agency Inc	50,000.00
9985-24	09/03/02	Scotlandyard Security Services Ltd	50,000.00
9985-24	09/03/02	St Moritz Se- curity Ser- vices Inc	50,000.00
9985-24	09/03/02	Statewide Se- curity Group Inc	50,000.00
9985-24	09/03/02	U S Security Associates Inc	50,000.00
9985-24	09/03/02	Williams Secu- rity Inc	50,000.00
1068182-01	09/03/02	Wecsys	15,120.00
1343151-01	09/03/02	Alvarado Mfg Co Inc	105,300.00
8254110-01	09/03/02	Artco Equip- ment Sales Inc	43,908.00
8506400-01	09/03/02	Howells Glass Co Inc	17,560.00

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-1626. Filed for public inspection September 13, 2002, 9:00 a.m.]