

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Great Lakes Initiative

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A. The proposed amendment incorporates Federal requirements concerning prohibitions and phasing out of mixing zones for bioaccumulative chemicals of concern (BCCs) in waters of the Great Lakes System.

This proposal was adopted by Board order at its meeting of November 20, 2001.

A. *Effective Date*

This proposed amendment is effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

This proposed amendment is made under the authority of sections 5(b)(l) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(l) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department.

D. *Background and Purpose of the Amendment*

The purpose of this proposal is to revise existing water quality regulations in Chapter 93. The Great Lakes Initiative (GLI) requirements were promulgated in 40 CFR Part 132 (relating to water quality guidance for the Great Lakes System) at 60 FR 15366 (March 23, 1995) to provide for consistent protection of the Great Lakes System. The Commonwealth promulgated the regulations for waters in this Commonwealth which are in the Great Lakes System on December 27, 1997, and the Environmental Protection Agency (EPA) approved the regulations on March 17, 2000.

The EPA had promulgated a mixing zone provision as part of the regulation, but the provision was vacated by the United States Court of Appeals for the District of

Columbia Circuit in the case of *American Iron & Steel Institute v. EPA*, 115 F.3d 979 (D.C. Cir. 1997), and was remanded to the EPA for further consideration. In response to the Court's remand, the EPA published a proposal on October 4, 1999, to amend the guidance to reinstate the provision to prohibit mixing zones for BCCs (64 FR 53632). The EPA promulgated the final rule to amend Appendix F, Procedure 3.C of 40 CFR Part 132 to prohibit mixing zones for BCCs in the Great Lakes System, subject to certain exceptions for existing discharges, by publication at 65 FR 67638 (November 13, 2000). The proposed regulatory amendment to Chapter 93 provides consistency with the Federal guidance for the Great Lakes System by eliminating opportunity for the use of mixing areas for discharges of toxic and persistent chemicals known as BCCs. Examples of BCCs are mercury and dioxin. BCCs in the waters of the Great Lakes are not flushed from the system but build up for long periods of time, allowing aquatic organisms to accumulate and magnify the pollutants. Animals and humans who consume the fish are subject to increased loadings of these toxic pollutants. This proposed rulemaking eliminates the use of mixing areas in calculating allowable discharge limits for BCCs, thereby lessening loadings to the Great Lakes System.

For existing discharges to waters of the Great Lakes System, the regulation prohibits mixing zones for BCCs after November 15, 2010. New discharges of BCCs to waters of the Great Lakes System are subject to the mixing zone prohibition when the EPA approves the state's submission of these regulations. The three Great Lakes states, including this Commonwealth (the other two states are Ohio and New York), which did not include the BCC mixing zone provision in their regulation, are required to submit amended regulations for the EPA approval by May 13, 2002.

The Water Resources Advisory Committee supported the draft amendment at its October 18, 2001, meeting. No issues were raised during the discussion.

E. *Summary of Regulatory Revisions*

This proposed regulatory revision removes the exclusion of Appendix F, Procedure 3, Subpart C (relating to mixing zones for bioaccumulative chemicals of concern) contained in § 93.8a(j)(2) (relating to toxic substances) from the GLI requirements. This proposed amendment adds Subpart C of Procedure 3 to the other requirements that were incorporated by reference from the Federal regulation in the current regulation. The proposed amendment will make the Commonwealth's GLI as protective as the Federal requirement.

F. *Benefits, Costs, and Compliance*

Executive Order 1996-1 provides for a cost/benefit analysis of the proposed amendment.

Benefits

Overall, the citizens of this Commonwealth will benefit from the recommended change because it provides the appropriate level of protection of the waters in the Great Lakes System. The revision also assures compliance with the applicable Federal requirements.

Compliance Costs

The proposed amendment is not expected to impose any significant additional compliance costs on the regulated

community. No current NPDES permits provide for discharges of BCCs to the Great Lakes System in this Commonwealth. For this reason, no costs associated with phase out of mixing provisions need to be addressed. New discharges would have to meet the requirement when discharging commences, but there is no way of knowing if or when these discharges will be proposed.

Compliance Assistance Plan

The proposed amendment adds a requirement that, in practice, will only be applicable if there are new discharges of BCCs to waters of the Great Lakes System. The requirement is straightforward and will not require implementation guidance. Staff are available to assist regulated entities in complying with the regulatory requirements if any questions arise.

Paperwork Requirements

This proposed rulemaking should have no significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

G. Pollution Prevention

In keeping with Governor Schweiker's interest in encouraging pollution prevention solutions to environmental problems, this proposed amendment specifically provides for prevention of additional loadings of BCCs to the water environment by requiring that the addition of these substances be significantly limited, even beyond that necessary to meet water quality standards.

H. Sunset Review

This amendment will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended. In addition, water quality standards are required to be reviewed by the Department at least once every 3 years, with the results of the review to be submitted to the EPA.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 11, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

J. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendment to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301).

Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 12, 2002. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 12, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by March 12, 2002. A subject heading of the proposal and a return name and address must be included in each transmission.

DAVID E. HESS,
Chairperson

Fiscal Note: 7-374. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.8a. Toxic substances.

* * * * *

(j) The requirements for discharges to and antidegradation requirements for the Great Lakes System are as follows [.]:

* * * * *

(2) *Total Maximum Daily Loads (TMDLs)*. TMDLs for Open Waters of the Great Lakes shall be derived following the procedures in 40 CFR Part 132, Appendix F, Procedure 3, Subpart D (relating to Great Lakes Water Quality Initiative implementation procedures), including all other subparts referenced in Subpart D [, **except Subpart C**] .

[Pa.B. Doc. No. 02-137. Filed for public inspection January 25, 2002, 9:00 a.m.]

[25 PA. CODE CH. 96]

Water Quality Standards Implementation—Chloride and Sulfate

The Environmental Quality Board (Board) proposes to amend Chapter 96 (relating to water quality standards implementation) to read as set forth in Annex A. This proposed amendment clarifies the application of specific water quality criteria to surface waters in this Commonwealth.

This proposal was adopted by the Board at its meeting of November 20, 2001.

A. Effective Date

This proposed amendment is effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. Contact Persons

For further information contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. Statutory Authority

This proposed amendment is made under the authority of sections 5(b)(l) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(l) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department.

D. Background and Purpose

The purpose of this proposal is to revise existing water quality regulations in Chapter 96. The water quality rulemaking under the Department's Regulatory Basics Initiative (RBI) and the Governor's Executive Order 1996-1 amended Chapter 93 (relating to water quality standards) and established Chapter 96 on November 13, 2000. The changes to Chapter 93 included deletion of § 93.7, Table 4 (relating to specific water quality criteria) and a clarification that all the specific criteria listed in § 93.7, Table 3 apply Statewide.

An inadvertent consequence of the restructuring of § 93.7 is the application of water quality based effluent limitations for the parameters sulfate and chloride in many situations when they were not applied under the prior version of these regulations. The criteria for sulfate and chloride are the same as the secondary maximum contaminant levels (SMCLs) of the drinking water program and are not a significant concern from a public health perspective, but are an aesthetic consideration. Historically, sulfate and chloride were not treated as Statewide parameters of concern and no environmental or public health concerns have been documented in this Commonwealth to support a change in this position. Under the proposed amendment, sulfate and chloride would be used to develop water quality-based effluent limits only in situations when there is potential for a downstream potable water supply to be negatively impacted by a discharge containing these contaminants.

The criteria for both chloride and sulfate date back to 1967, at which time the Sanitary Water Board (a predecessor of the Department) included them to prevent objectionable taste and odor in the water based on recommendations in the United States Public Health Service (US PHS) Drinking Water Standards of 1962. The US PHS recommended that chloride or sulfate should not exceed 250 mg/L in the water supply where other more suitable supplies were or could be made available. The limits were influenced primarily by considerations of

taste. The Environmental Protection Agency's (EPA) SMCLs under the Federal Safe Drinking Water Act, which became effective in 1979, are set at the same levels. The Commonwealth's drinking water program is required to and has adopted the Federal standards into Chapter 109 (relating to safe drinking water).

In 1985, Chapter 93 was amended to provide for an exception to the Statewide application of water quality criteria at all points instream after mixing for four parameters: total dissolved solids, fluoride, nitrite-nitrate and phenolics. The criteria for these substances are applicable at the point of all existing or planned surface potable water supply withdrawals, fully protecting the potable water supply use. That change made in 1985 is identical to the changes the Board is proposing for sulfate and chloride. No adverse impacts have been documented instream from those criteria that apply at the point of all existing or planned surface potable water supply withdrawals. On November 18, 2000, the RBI amendments moved the provision, without change, to § 96.3(d) (relating to water quality protection requirements).

The Board proposes to add the sulfate and chloride criteria to the exceptions in § 96.3(d). This change will provide the appropriate level of protection for the potable water supply use. The current scientific information supports this change because, as discussed in this Preamble, there are no adverse human health effects from the substances. Effluent limitations required for discharges of these substances are calculated using critical (or stringent) conditions that include a requirement that the criteria be met 99% of the time, even at the low flow condition known as Q_{7-10} (that is, the lowest 7-day consecutive flow in a 10-year period), a condition that is seldom reached, even in drought conditions. This provides an additional margin of safety built into the effluent limitations to protect the potable water supplies, prior to withdrawal. In addition, other surface water uses will be protected by application of other criteria listed in § 93.7.

Water Quality Effects

a. Human Health

The criteria for sulfate and chloride protect potable water supplies from objectionable taste and odor impacts. There are no identified toxicity related human health impacts at or near the criteria values. In response to a 1996 amendment to the Federal Safe Drinking Water Act 42 U.S.C.A. § 300g-1(b)(12)(B) (relating to national drinking water regulations), the EPA and the Centers for Disease Control conducted the study, "Health Effects from Exposure to High Levels of Sulfate in Drinking Water Study" (815-R-99-001; January 1999) and organized a workshop to review the study and the available literature. The conclusions of the experts at the workshop are included in "Health Effects from Exposure to High Levels of Sulfate in Drinking Water Workshop" (815-R-99-002; January 1999). The expert panel concluded there is not enough scientific evidence on which to base a regulation, but existing data support issuing a health advisory, especially for infants, in places where sulfate levels in drinking water exceed 500 mg/L. The EPA announced that it would decide whether it will propose a primary MCL for sulfate some time in the near future.

The Department is also considering whether a health-based criterion should be developed for sulfate. The recent scientific literature indicates that a health-based criterion for sulfate may be between 500 and 1,000 mg/L.

The Department is specifically seeking information and comment on an appropriate health-based value during this rulemaking process.

b. *Aquatic Life*

Instream aquatic life uses are not addressed by the current sulfate or chloride criteria. The EPA has recommended criteria for chloride to be protective of fish and aquatic life. The recommended criteria are a criterion maximum concentration of 860 mg/L and a criterion continuous concentration of 230 mg/L. The Commonwealth has not adopted the EPA criteria for aquatic life protection because an osmotic pressure criterion is applied. In 1984, the Board adopted the osmotic pressure criterion of 50 milliosmoles per kilogram to protect aquatic life from the adverse effects of dissolved solids. Dissolved solids include chloride, sulfate and other ions. Dissolved solids adversely impact aquatic life by altering the osmotic pressure of the external environment, which interferes with the organisms' osmoregulatory functions. The Department has protected aquatic life from the adverse effects of total dissolved solids through application of an osmotic pressure criterion (OP = 50 mOsm/kg). There has been no indication that the criterion is not protective of the use.

Advisory Groups

The Water Resources Advisory Committee (WRAC) to the Department discussed the draft regulation at its October 18, 2001, meeting. WRAC members commented on whether the Department will begin a trend toward the changing of criteria based on economic considerations and whether the Department evaluated how the changed standards will impact water systems. Overall, WRAC supported the Department's search for a health-based standard for sulfate, and a majority of WRAC members voted in favor of presenting the proposed rulemaking to the Board.

E. *Summary of Regulatory Revisions*

This proposed amendment to § 93.3 moves application of the specific water quality criteria for chloride and sulfate, which prevent objectionable taste and odor effects in potable water supplies, to the point of all existing or planned surface potable water supply withdrawals.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 provides for a cost/benefit analysis of the proposed amendment.

Benefits

Overall, the citizens of this Commonwealth will benefit from the recommended change because it provides the appropriate level of protection for the uses of surface waters in this Commonwealth.

Compliance Costs

The proposed amendment would reduce future compliance costs on the regulated community, when compared to the current regulation. Effluent limitations for chloride and sulfate will be applied where needed to protect potable water supplies, which will preclude the need for costly or perhaps nonexistent advanced treatment technologies or source reduction techniques to reduce these substances from wastewater discharges. Because effluent limits are case-specific, there is no accurate way to

predict the costs required or saved by a single discharger or all dischargers.

Compliance Assistance Plan

The proposed amendment will be implemented according to procedures already available for the substances currently included in § 96.3(d). The technical guidance, Implementation Guidance for Application of § 93.5(e), will be amended to include the additional substances. Staff are available to assist regulated entities in complying with the regulatory requirements if any questions arise.

Paperwork Requirements

This proposed amendment should have no significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

G. *Pollution Prevention*

In keeping with Governor Schweiker's interest in encouraging pollution prevention solutions to environmental problems, this proposed amendment provides for controlling the discharge of the listed substances to the water environment to achieve or maintain water quality standards.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 11, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendment and the question relating to an alternative criterion for sulfate to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be

received by the Board by March 12, 2002 Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 12, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by March 12, 2002. A subject heading of the proposal and a return name and address must be included in each transmission.

K. *Public Hearing*

The Board will hold a public hearing for the purpose of accepting comments on this proposal. It will be held at 7 p.m. on February 26, 2002, at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Debra Failor directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

DAVID E. HESS,
Chairperson

Fiscal Note: 7-375. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 96. WATER QUALITY STANDARDS IMPLEMENTATION

§ 96.3. Water quality protection requirements.

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(d) As an exception to subsection (c), the water quality criteria for total dissolved solids, nitrite-nitrate nitrogen, phenolics, **chloride**, **sulfate** and fluoride established for the protection of potable water supply shall be met at least 99% of the time at the point of all existing or

planned surface potable water supply withdrawals unless otherwise specified in this title.

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[Pa.B. Doc. No. 02-138. Filed for public inspection January 25, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 133, 141 AND 183]

Redetermining Eligibility, General Eligibility Provisions and Income

The Department of Public Welfare (Department), under sections 402(a)(7)(A)(iii) and (B) and 408(a)(7)(A) and (C) of the Social Security Act (act) (42 U.S.C.A. §§ 602(a)(7)(A)(iii) and (B) and 608(a)(7)(A) and (C)); 45 CFR 264.1(c) (relating to what restrictions apply to the length of time Federal TANF assistance may be provided); and sections 201(2), 401(a), 403(b), 405.1(a.3), 405.3(a), (e) and (f), 432, 432(3) and (8) and 432.21(a) of the Public Welfare Code (code) (62 P. S. §§ 201(2), 401(a), 403(b), 405.1(a.3), 405.3(a), (e) and (f), 432, 432(3) and (8) and 432.21(a)), proposes to amend Chapters 133, 141 and 183 (relating to redetermining eligibility; general eligibility provisions; and income) to read as set forth in Annex A.

This proposal builds on proposed Temporary Assistance for Needy Families (TANF) rulemaking published at 31 Pa.B. 5875 (October 20, 2001) by establishing the Commonwealth's requirements for provision of TANF beyond the 60-month Federal time limit for receipt of TANF. The new program will be referred to as Extended TANF cash assistance. The final-form rulemaking for Extended TANF will be effective after promulgation of the final-form TANF rulemaking.

Section 408(a)(7)(A) of the act provides that a state may not provide TANF to a family that includes an adult who has received TANF for 60 cumulative months. However, section 408(a)(7)(C) of the act and 45 CFR 264.1(c) give states the option to extend TANF beyond the 60-month limit to families that have a hardship as defined by the state or include someone who has been battered or subjected to extreme cruelty (domestic violence). The number of families that may receive Extended TANF is limited to 20% of the average monthly number of families receiving TANF during the current or preceding fiscal year.

Purpose

The Department is choosing the Federal option that permits the State to extend cash assistance beyond 60 months to a family on the basis of hardship or domestic violence.

In creating the Extended TANF program, the Department recognizes that some families, due to domestic violence or other barriers, or both, which may be known or unknown to the Department, will not achieve self-sufficiency within the 60-month time limit for receipt of TANF prescribed under Federal law.

The legislative intent of the Commonwealth's cash assistance programs is to promote self-sufficiency of the people of this Commonwealth and to provide temporary

assistance. See section 401(a) of the code. The legislation authorizing both the TANF and General Assistance (GA) cash assistance programs makes clear that employment, work activity and movement toward self-sufficiency are expected of recipients.

One of the purposes of the proposed amendments is to define and specify eligibility standards and procedures for Extended TANF. Families which have exhausted 60 months of TANF may be eligible for Extended TANF on the basis of individual or family circumstances. A family may qualify for Extended TANF on the basis of domestic violence. A family that does not qualify on this basis may qualify for Extended TANF if the adult agrees to enroll in and cooperate with specific programs and activities designed to promote self-sufficiency.

As a condition of eligibility for cash assistance, the adult who has exhausted 60 months of TANF and who is exempt from the Road to Economic Self-Sufficiency Through Employment and Training (RESET) program or establishes good cause for not meeting RESET requirements, shall agree on the Agreement of Mutual Responsibility (AMR) to enroll in the Maximizing Participation Project (MPP). The MPP is a program that helps individuals remedy medical conditions, functional limitations or good cause situations that preclude the individuals from complying with RESET requirements. The MPP team is comprised of a multidisciplinary group consisting of a county assistance office worker or an agent authorized by the Department and other individuals including, but not limited to, representatives from State and local agencies.

An integral component of MPP is a Work Capacity Assessment (WCA). The WCA will be completed by a physician or psychologist approved by the Department. The purpose of the WCA is to take an independent comprehensive look at the individual whose barrier to employment (for example, a medical condition, functional limitation or good cause situation) precludes the individual from complying with RESET requirements. The WCA will include a reevaluation of documented medical conditions and functional limitations and consideration of previously undiagnosed conditions and limitations. The WCA will seek to identify: 1) the nature and extent of medical conditions, functional limitations or good cause situations that preclude the individual from complying with RESET requirements; and 2) the individual's range of ability to engage in work and work-related activities, with and without appropriate treatment.

The WCA is premised on the Department's commitment to determine why an individual who has received TANF for 60 months continues to need cash assistance, and what that individual can do to maximize employability and financial independence. For the most current, comprehensive evaluation of the individual's limitations and abilities after 60 months of TANF, the WCA will be much more than a mere snapshot of that individual. To facilitate this, all available records of the individual's treating physician and psychologist will be considered and additional testing will be performed as needed. Existing records may or may not provide an updated, detailed diagnostic and therapeutic picture of the individual, even if that individual was exempt or had good cause from work requirements due to a medical condition, functional limitation or good cause situation that precluded the individual from complying with RESET requirements. These records and test results, and the individual's own statement regarding known or potential conditions and limitations, will supplement the current examination

portion of the WCA. If the client has a good cause situation other than a medical condition or functional limitation, the WCA may or may not require an examination of the client. The WCA will always include an evaluation of existing documentation of the good cause situation.

The WCA will be followed by development of an MPP service plan that lists the activities designed to increase client self-sufficiency. Consistent with facts and conclusions derived from the WCA and the MPP team's recommendations, the MPP service plan will outline the types of work and work-related, vocational and therapeutic activities the individual can currently do. The service plan is designed to help the individual improve, control or eliminate the medical condition, functional limitation or good cause situation to the extent that it no longer precludes the individual from complying with RESET requirements. Clients who do not have a medical condition, functional limitation or good cause situation that precludes them from complying with RESET requirements are referred to the Work Plus Program (WPP). The WPP offers 30 hours per week of work and work-related activities. Eligibility for Extended TANF is contingent upon cooperation with the WCA and accompanying MPP service plan. Failure to comply with these requirements, without good cause, will result in the family's ineligibility for Extended TANF and GA.

Extended TANF benefits are not only available to clients who are exempt or have good cause, but are also available to a family that includes an adult who is required to participate in RESET if the adult agrees on an AMR to enroll in the WPP and cooperates in obtaining a vocational assessment. The vocational assessment includes, but is not limited to, an evaluation of the client's educational level, employment preferences, work history, skills, abilities and life circumstances as they relate to the client's ability to perform work. If the results of this assessment indicate that the adult has a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the individual will be referred to MPP as previously discussed. If the results of the assessment indicate that the adult is able to comply with RESET requirements, the adult must participate a minimum of 30 hours per week in a combination of work and work-related activities. Willful failure to comply, without good cause, with the requirements of WPP will result in the imposition of durational sanctions on the family.

The proposed amendments also set forth eligibility requirements for GA when a family has exhausted 60 months of TANF and are necessary to comply with the statutory and regulatory mandates that applicants and recipients pursue Federal programs first, and that benefits for GA be consistent with Federally-funded cash assistance to the extent possible. See sections 403(b) and 432.21 of the code. Further, the proposed amendments are consistent with the General Assembly's legislative intent to promote self-sufficiency. See section 401(a) of the code.

To avoid an interruption of Federally-funded cash assistance, every family approaching 60 months of TANF will have the opportunity to apply for Extended TANF before their TANF benefits end. Also, a family who has exhausted TANF may apply for Extended TANF at any time. Pending adoption of the proposed amendments, families will continue to receive TANF cash assistance if otherwise eligible.

Need for Proposed Amendments

The proposed amendments are needed to incorporate the Commonwealth's regulations for Extended TANF for certain TANF families who will continue to need cash assistance beyond the 60-month Federal limit for TANF cash assistance. Without the amendments, exhaustion of the 60-month time limit for receipt of TANF benefits could leave some families facing hardships without crucial cash assistance, and could create unintended incentives to avoid work activity and employment or otherwise minimize movement toward self-sufficiency. The proposed amendments are also needed to clarify that Extended TANF is a Federal benefit which cash assistance applicants must seek instead of GA, if they are potentially eligible, in accordance with sections 432(8) and 432.21(a) of the code.

Summary of Requirements

Section 133.23(a)(1)(vi) (relating to requirements) is added to specify that a change from TANF benefits to Extended TANF benefits requires a complete redetermination.

Section 141.21(n) (relating to policy) is amended to identify TANF, including Extended TANF, as a Federal program.

Section 141.21(n)(1) and (2) includes technical language changes to change Federal "benefits" to Federal "programs" and to simplify the wording.

Section 141.21(n)(1) and (i)—(iv) is amended and the subparagraphs are added to distinguish between the periods of ineligibility for TANF, Extended TANF and GA when an applicant fails, without good cause, to cooperate in establishing eligibility for Federal programs. An applicant for TANF is ineligible until the applicant complies. An applicant for GA is ineligible for a minimum period of 60 days and thereafter until the applicant complies. For Extended TANF, the applicant and the applicant's family are ineligible until the applicant complies. For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum of 60 days and thereafter until the applicant complies. The proposed amendments to § 141.21(n)(1) are consistent with § 183.13(c) (relating to potential sources).

Section 141.21(n)(2) is amended to specify that for Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient and the recipient's family are ineligible until the recipient complies.

Section 141.41(e) (relating to policy) is added to specify that a family is ineligible for TANF if it includes an adult who has received 60 cumulative months of TANF. TANF received by a minor child is not counted unless the minor child is a head-of-household or married to a head-of-household.

Section 141.51(a) (relating to policy) is added to establish the policy requirements for receipt of Extended TANF. The requirements of TANF apply as well as the additional requirements set forth in the subsequent paragraphs in § 141.51.

Section 141.51(a)(1) is added to specify that a family which includes an adult who has received 60 cumulative months of TANF may be eligible for Extended TANF if a family member is or has been battered or subjected to extreme cruelty (domestic violence).

Section 141.51(a)(1)(i)—(vi) is added to specify eligibility conditions for receipt of Extended TANF on the basis of domestic violence. Domestic violence must be verified.

Eligibility for Extended TANF must be reviewed at least every 6 months. The adult shall comply with a Domestic Violence Plan. A family in which child support or work requirements, or both, were waived due to domestic violence during receipt of TANF may receive Extended TANF for a period of time equal to the period of time that the good cause waiver was in effect. A family that has a current waiver of TANF child support or TANF work requirements may receive Extended TANF for the period the waiver is in effect. A family that does not qualify for Extended TANF on the basis of domestic violence may qualify for Extended TANF or GA under § 141.51(a)(2) or (3).

Section 141.51(a)(2), (2)(i) and (i)(A)—(C) is added to specify that a family may qualify for Extended TANF if the adult who has received 60 cumulative months of TANF is exempt from RESET requirements or establishes good cause for not meeting RESET requirements.

Section 141.51(a)(2)(ii) is added to specify that the adult must agree on the AMR to enroll in the MPP and cooperate in obtaining a WCA. A physician or psychologist approved by the Department shall complete the WCA.

Section 141.51(a)(2)(ii)(A) and (B) is added to specify that an adult whose WCA indicates a medical condition, functional limitation or good cause situation that precludes the adult's ability to work shall comply with the MPP service plan as documented on the AMR. Clients who do not have a medical condition, functional limitation or good cause situation that precludes them from complying with RESET requirements are referred to the WPP.

Section 141.51(a)(3) and (3)(i) and (ii) is added to establish eligibility conditions for Extended TANF when the adult shall comply with RESET requirements. The adult shall agree to enroll in WPP and cooperate in obtaining a vocational assessment.

Section 141.51(a)(3)(ii)(A) and (B) is added to specify that when the vocational assessment indicates that the adult is able to work, the adult shall participate a minimum of 30 hours per week in work and work-related activities. An adult whose vocational assessment indicates that the adult has a barrier that precludes the individual from complying with RESET requirements shall be referred to the MPP.

Section 141.51(b) is added to establish the conditions or actions that make families ineligible for Extended TANF.

Section 141.51(b)(1) is added to specify that a family is ineligible for Extended TANF when the adult fails, without good cause, to cooperate in establishing eligibility for Extended TANF or other Federal programs. That family is also ineligible for GA under § 141.61(a)(1)(xi) (relating to policy).

Section 141.51(b)(2) is added to specify that a family is ineligible for Extended TANF when the adult fails, without good cause, to cooperate with the MPP service plan, the WCA or domestic violence service plan, whichever is applicable. The family is also ineligible for GA.

Section 141.51(b)(3) is added to specify that a family is subject to sanction when the adult willfully fails, without good cause, to comply with the WPP.

Section 141.51(b)(3)(i)—(iii) is added to specify the durational sanction periods that apply to adults who willfully fail to comply with the WPP.

Section 141.52 (relating to definitions) is added to define "adult," "Extended TANF," "MPP—Maximizing Participation Project," "MPP Team," "RESET—Road to Eco-

conomic Self-Sufficiency Through Employment and Training," "service plan," "victim of domestic violence," "vocational assessment," "WCA—Work Capacity Assessment" and "WPP—Work Plus Program."

Section 141.61(a)(1)(xii) is amended to specify that a family in which an adult refuses or fails, without good cause, to cooperate in establishing eligibility for Extended TANF is ineligible for GA.

Section 183.13(b) is amended to identify TANF and Extended TANF as Federal programs, to change the phrase Federal "benefits" to Federal "programs," and to simplify the wording. This subsection is also revised to specify that for Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient and the recipient's family are ineligible until the recipient complies.

Section 183.13(c), (c)(1) and (2) is amended to change the phrase Federal "benefits" to Federal "programs," to simplify the wording, and to change "AFDC" to "TANF."

Section 183.13(c)(3) is added to specify that the applicant and the applicant's family are ineligible for Extended TANF until the applicant complies.

Section 183.13(c)(4) is added to specify that for GA, if an applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum period of 60 days and thereafter until the applicant complies.

Section 183.13(d) includes technical amendments to change "AFDC" to "TANF" and to add a reference to Extended TANF.

Affected Individuals and Organizations

The proposed amendments affect TANF families with an adult who has received TANF for 60 cumulative months. These families may qualify for Extended TANF on the basis of domestic violence or their willingness to enroll in and cooperate with programs and activities designed to lead toward self-sufficiency.

Fiscal Impact

Commonwealth

The estimated cost in TANF Federal funds for 2001-2002 is \$2.186 million.

Public Sector

No other government entity will incur any costs or realize any savings.

Private Sector

No private sector will incur any costs or realize any savings.

Paperwork Requirements

The proposed amendments will increase the paperwork requirements associated with the eligibility process for affected families. Families who are eligible for Extended TANF shall comply with additional requirements related to medical/functional assessments and associated service plans, increasing the number of client contacts and related paperwork.

Effective Date

The proposed amendments are effective on March 4, 2002, or upon publication in the *Pennsylvania Bulletin* as final-form rulemaking, whichever is later.

Sunset Date

There is no sunset date. TANF regulations are also reviewed through the Department's quality control and corrective action review process.

Public Comment Period

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Edward Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081 within 30 days after the date of publication in the *Pennsylvania Bulletin*. Comments received within 30 calendar days will be reviewed and considered in the preparation of the final-form amendments. Comments received after the 30-day comment period will be considered for subsequent revisions of the proposed amendments.

Persons with a disability may use the AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-474. No fiscal impact; (8) recommends adoption. Federal Temporary Assistance to Needy Families (TANF) Funds for the Extended TANF Program is expected to cost \$2.186 million in 2001-2002 and \$7.577 million in 2002-2003 and later fiscal years.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart B. INTAKE AND REDETERMINATION

CHAPTER 133. REDETERMINING ELIGIBILITY

REDETERMINING ELIGIBILITY PROVISION FOR TANF/GA

§ 133.23. Requirements.

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

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

* * * * *

(vi) A complete redetermination is required when a budget group transfers from TANF to Extended TANF.

* * * * *

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

* * * * *

(n) [Cooperate] An applicant or recipient shall cooperate with the CAO in identifying and applying for Federal programs as the primary source of financial assistance, such as, but not limited to, SSI [and], RSDI, TANF and Extended TANF, in accordance with the following:

(1) An applicant for TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate in establishing eligibility for Federal [benefits shall be determined] programs is ineligible for cash assistance [for a period of no less than 60 days and thereafter until such time as the individual complies.] as follows:

(i) For TANF, the applicant is ineligible until the applicant complies.

(ii) For GA, the applicant is ineligible for a minimum of 60 days and thereafter, until the applicant complies.

(iii) For Extended TANF, the applicant and the applicant's family are ineligible until the applicant complies.

(iv) For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum of 60 days and thereafter until the applicant complies.

(2) A recipient of TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate [with the CAO] in establishing [their] eligibility for SSI, RSDI, TANF, Extended TANF or other Federal [benefits, shall have assistance terminated] programs is ineligible for cash assistance until [such time as] the recipient complies. For Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient's family is also ineligible until the recipient complies.

* * * * *

ELIGIBILITY PROVISIONS FOR [AFDC] TANF

§ 141.41. Policy.

* * * * *

(f) A family is ineligible for TANF cash assistance payments if it includes an adult who has received 60 months of TANF cash assistance.

(1) Assistance received as a minor child is not counted toward the 60-month limit.

(2) Assistance received as a minor child head-of-household or a minor child married to the head-of-household counts toward the 60-month limit.

(3) Periods of receipt of TANF need not be consecutive to count toward the 60-month limit.

ELIGIBILITY PROVISIONS FOR EXTENDED TANF

§ 141.51. Policy.

(a) In addition to the requirements of Chapter 133, § 141.21 and Chapters 142, 177 and 183, a family may be eligible for Extended TANF as follows:

(1) A family that includes an adult who has exhausted 60 months of TANF may receive Extended TANF if the adult applicant or recipient or other family member is or has been a victim of domestic violence as defined in § 141.52 (relating to definitions). Eligibility for Extended TANF under this paragraph is subject to the following:

(i) Domestic violence shall be verified. If the family has a current or past waiver of TANF child support cooperation or TANF work requirements due to domestic violence, no further verification is required.

(ii) An applicant or recipient who was granted a good cause waiver of TANF child support cooperation or TANF work requirements due to domestic violence may receive Extended TANF for a period of time equal to the period of time that the good cause waiver was in effect.

(iii) An applicant or recipient who has a current waiver of TANF child support cooperation or TANF work requirements due to domestic violence may receive Extended TANF during the period the waiver is in effect, subject to periodic review in accordance with subparagraph (v).

(iv) A family in which a member is or has been a victim of domestic violence shall comply with a domestic violence plan developed with a person trained in domestic violence services.

(v) Eligibility shall be reviewed at least every 6 months.

(vi) The adult whose family is ineligible for Extended TANF under this paragraph may qualify for Extended TANF or GA under paragraph (2) or (3).

(2) The adult in a family which does not qualify for Extended TANF under paragraph (1) may qualify for Extended TANF under this paragraph if the adult:

(i) Establishes good cause as specified in § 165.52 (relating to good cause) for not meeting the requirements of the RESET Program, as defined in § 141.52 (relating to definitions), or is exempt from participation in RESET because the person is one of the following:

(A) 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.

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

(C) The custodial parent in a one-parent household who is caring for a child who has not attained 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

(ii) Agrees to enroll in the MPP, as defined in § 141.52, and cooperate in obtaining a WCA, also defined in § 141.52. The agreement to enroll in MPP and to cooperate in obtaining a WCA will be documented, as a requirement of the client, on the AMR, as specified under section 405.3 of the Public Welfare Code (62 P. S. § 405.3).

(A) If the results of the WCA indicate that the adult has a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult shall comply with a service plan developed by the MPP Team, as defined in § 141.52, and documented on the AMR.

(B) If the results of the WCA indicate that the adult does not have a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult will be referred to the WPP, as described in paragraph (3), and defined in § 141.52.

(3) The adult in a family which does not qualify for Extended TANF under paragraph (1) or (2) may qualify for Extended TANF under this paragraph if the adult:

(i) Agrees to enroll in the WPP, as documented on the AMR.

(ii) Cooperates in obtaining a vocational assessment, as defined in § 141.52.

(A) If the results of the vocational assessment indicate that the adult is able to comply with RESET requirements, the adult shall participate a minimum of 30 hours per week in a combination of work and work-related activities, as specified in section 402 of the Public Welfare Code (62 P. S. § 402).

(B) If the results of the vocational assessment indicate that the adult may have a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult shall be referred to the MPP, as described in paragraph (2).

(b) A family is ineligible for Extended TANF if:

(1) The adult fails, without good cause, to cooperate in establishing eligibility for Extended TANF and other Federal programs, as specified under § 141.21(n)(relating to policy). The family is also ineligible for GA, as specified under § 141.21(n) and § 141.61(a)(1)(xii) (relating to conditions of eligibility).

(2) The adult fails, without good cause, to obtain a WCA or to comply with the MPP service plan or the domestic violence plan, whichever applies. The family is also ineligible for GA, as specified under §§ 141.21(n) and 141.61(a)(1)(xii).

(3) The adult willfully fails, without good cause, to obtain a vocational assessment or to comply with the WPP, whichever is applicable. A sanction will be imposed on the family as follows:

(i) For the first occurrence, 30 days or until the adult is willing to comply, whichever is longer.

(ii) For the second occurrence, 60 days or until the adult is willing to comply, whichever is longer.

(iii) For the third occurrence, permanently.

§ 141.52. Definitions.

The following words and terms, when used in this section and § 141.51 (relating to policy), 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.

Extended TANF—Federally-funded TANF cash assistance for eligible families in which an adult has exhausted 60 cumulative months of TANF cash assistance.

MPP—Maximizing Participation Project—A program to assist individuals remedy medical conditions, functional limitations and good cause situations that preclude the individual from complying with RESET requirements.

MPP team—A multidisciplinary group consisting of a CAO worker or an agent authorized by the Department and other individuals including representatives from State and local agencies.

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.

Service plan—A document developed to outline the steps necessary to enable an adult to engage in work, increase work participation or otherwise increase self-sufficiency.

Victim of domestic violence—An individual who is or has been battered or subjected to extreme cruelty, as defined in section 408(a)(7)(C)(iii) of the Social Security Act (42 U.S.C.A. § 608 (a)(7)(C)(iii)).

Vocational assessment—An evaluation of the factors that impact the client's ability to perform work, including the client's educational level, employment preferences, work history, skills, abilities and life circumstances.

WCA—Work Capacity Assessment—An independent medical, vocational or functional evaluation, or a combination of these, conducted by a physician or psychologist approved by the Department.

(i) If the client has a medical condition or functional limitation, the WCA is to be conducted based upon accepted medical standards, as well as standard framework and method of analysis.

(ii) The standard framework and method of analysis used will be the most recent edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.

(iii) If the client has a good cause situation other than a medical condition or functional limitation, the WCA may or may not require an examination of the client.

(iv) The WCA will always include an evaluation of existing documentation of the good cause situation.

WPP—Work Plus Program—An employment and training program funded by the Department providing work and work-related activities for at least 30 hours per week.

ELIGIBILITY PROVISIONS FOR GA

§ 141.61. Policy.

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

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

* * * * *

(xii) Furthermore, eligibility for GA requires that the person be ineligible for TANF and Extended TANF because of failure to meet TANF and Extended TANF definitive conditions. An applicant or recipient who does not [meet a definitive condition] qualify for TANF or Extended TANF solely because of a refusal or failure, without good cause, to establish eligibility for TANF or Extended TANF is ineligible for GA. A person meeting definitive conditions but ineligible for TANF because of income, resources or participation in a strike is not eligible for GA. A person who refuses without good cause to cooperate in establishing paternity or support as required in the TANF or Extended TANF program is [not eligible] ineligible for GA. A family in which an adult refuses or fails, without good cause, to cooperate in establishing and maintaining eligibility for Extended TANF as provided in § 141.51(a)(1)—(3) (relating to policy) is also ineligible for GA.

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Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 183. INCOME

INCOME

§ 183.13. Potential sources.

* * * * *

(b) A recipient of TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate with the CAO in [an effort to establish] establishing and maintaining eligibility for SSI, RSDI, TANF, Extended TANF, or other Federal [benefits shall have assistance terminated] programs is ineligible for cash assistance until the recipient complies. For Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient's family is also ineligible until the recipient complies.

(c) An applicant for TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate in establishing eligibility for Federal [benefits shall be determined to be] programs is ineligible for cash assistance as follows:

(1) For [AFDC] TANF or Extended TANF, the applicant is [not eligible] ineligible until [he] the applicant complies.

(2) For GA, the applicant is [not eligible] ineligible for a minimum [period] of 60 days and thereafter, until [he] the applicant complies.

(3) For Extended TANF, the applicant's family is also ineligible until the applicant complies.

(4) For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum of 60 days and thereafter until the applicant complies.

(d) An individual who is eligible for [AFDC] TANF or Extended TANF and SSI may choose to receive a benefit from one of [the two] these programs. The individual may not receive SSI and [AFDC] TANF or Extended TANF simultaneously.

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