

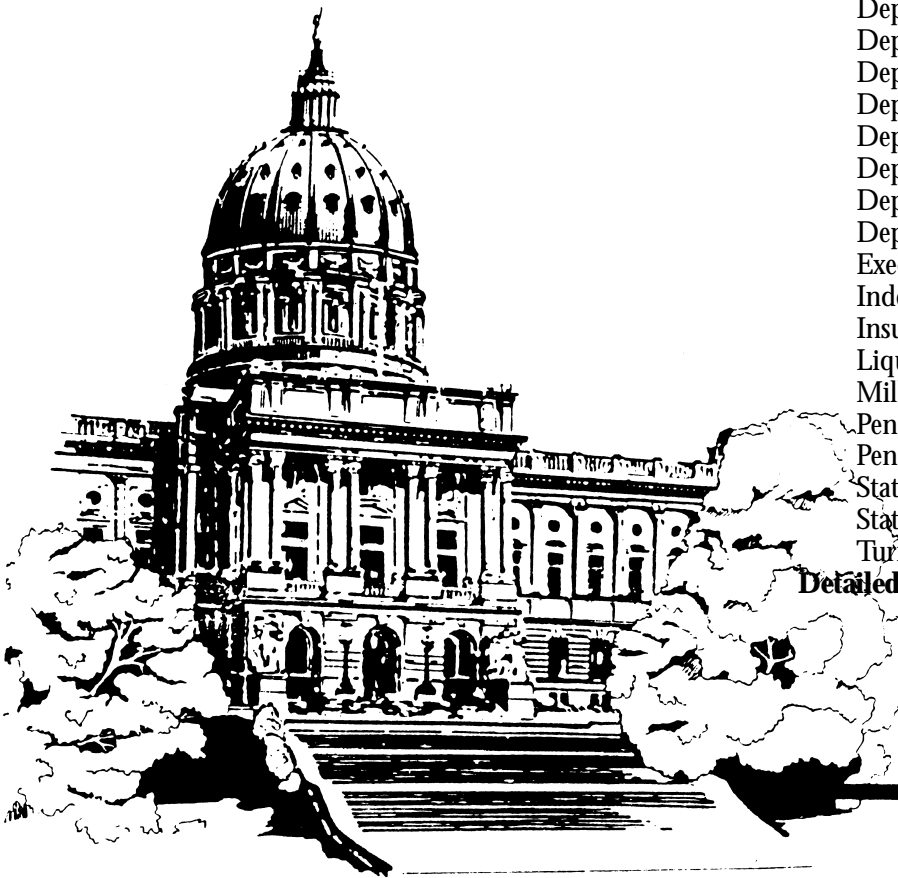
PENNSYLVANIA BULLETIN

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Pennsylvania Public Utility Commission
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No. 335, October 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 GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 2002-12]

Management of Automated Technology; Rescission of Executive Order No. 1988-10

September 25, 2002

Whereas, Executive Order 1988-10, Management of Automated Technology, has become obsolete without being specifically rescinded and should be deleted from public record.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby rescind Executive Order 1988-10, Management of Automated Technology, dated November 18, 1988.

This Executive Order shall terminate October 15, 2002.



Governor

Fiscal Note: GOV 02-14. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter OO. (Reserved)

§§ 5.551—5.555. (Reserved).

[Pa.B. Doc. No. 02-1770. Filed for public inspection October 11, 2002, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; No. 374 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 24th day of September, 2002, Rules 1910.16-4 and 1910.28 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

PART I. BASIC CHILD SUPPORT

	OBLIGOR	OBLIGEE
* * * * *		
6. Plus Child's Monthly Social Security Retirement or Disability Derivative Benefit, if any. (See Rule 1910.16-2(b)(2))	_____	_____
7. Adjusted Combined Monthly Net Income	_____	_____
[6] 8. PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from Schedule at Rule 1910.16-3 based on number of children and line [5] 7 adjusted combined monthly net income)	_____	_____
9. Less Child's Monthly Social Security Retirement or Disability Derivative Benefit	_____	_____
10. BASIC CHILD SUPPORT OBLIGATION	_____	_____
[7] 11. Net Income Expressed as a Percentage Share of Income (Divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
[8] 12. Each Parent's Monthly Share of the Basic Child Support Obligation (Multiply line [6] 10 and [7] 11)	_____	_____

PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c) of this Rule)

[9] 13. a. Percentage of Time Spent with Children (Divide number of overnights with obligor by 365 and multiply by 100)		_____ %
b. Subtract 30%		_____ %
c. Obligor's Adjusted Percentage Share of the Basic Monthly Support Obligation (Subtract line [9] 13b from line [7] 11)		_____ %
d. Obligor's Adjusted Share of the Basic Monthly Support Obligation (Multiply line [9] 13c and line [6] 10)		_____

* * * * *

DECREED that you supply the Court with the information required by the enclosed Earnings Report and Health Insurance Coverage Report and file them with the Court [on or before _____, 19__] within fifteen (15) days of the date of this order.

If you fail to supply the information required by this Order, a subpoena will issue requiring you to attend Court and bring the material with you, or other appropriate sanctions will be imposed by the Court.

BY THE COURT:

J.

* * * * *

(c) The form which the employer uses to report health insurance information shall be substantially as follows:

Note

The information requested in the following report may be provided by an employer on its own form, for example, as a computer printout.

(Caption)

HEALTH INSURANCE COVERAGE REPORT

This information must be completed and returned within [10] 15 days. Failure to comply may result in issuance of a subpoena or other appropriate sanctions.

* * * * *

[Pa.B. Doc. No. 02-1771. Filed for public inspection October 11, 2002, 9:00 a.m.]

**Title 246—MINOR COURT
CIVIL RULES**

PART I. GENERAL

[246 PA. CODE CH. 400]

Determination of Property Claims and Disputes

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa. R.C.P.D.J. No. 420 to clarify the relief that a district justice may grant in connection with objections to levy; and to make other minor technical or "housekeeping" changes to the rule and its Note. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

or e-mail to: minorcourt.rules@supreme.court.state.pa.us
no later than Monday, November 18, 2002.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

**CHAPTER 400. EXECUTION OF JUDGMENTS FOR
THE PAYMENT OF MONEY**

**Rule 420. Determination of Property Claims and
Disputes**

* * * * *

B. In acting under subdivision A of this rule, the district justice may:

(1) Reappraise or redesignate property appraised or designated by the executing officer, or order inclusion in the levy of property set aside by that officer.

(2) [**Stay or order**] **Order** the abandonment of the levy in whole or part, or release property from the levy.

* * * * *

Note

Official Note: [**Subdivisions**] **Subdivision A [and B]** of this rule [**set**] **sets** forth the various disputes concerning the execution [**which**] **that**, along with property claims, [**the district justice is to hear and determine and what he may do in connection therewith**] **may be brought before the district justice. Subdivision B sets forth the relief that the district justice may grant in connection with these disputes. The [subsections of A and B should] provisions of this rule can be compared with the Pennsylvania Rules of Civil Procedure as follows:**

* * * * *

This rule does not provide for a preliminary determination by the executing officer as to the merits of a property claim by a third party (see Pa.R.C.P. Nos. 3206, 3207), for it was considered that the district justice should be readily available for this purpose and that it would not be desirable to allow constables to make any such determination. Also, it was thought to be permissible to require

the district justice to make the determinations and to take the actions mentioned in this rule as an exercise of power ancillary to [his] the district justice's general power to order execution of the judgment. Subdivision C of the rule is based on Pa.R.C.P. No. 3132.

Amended June 30, 1982, effective 30 days after July 17, 1982; **amended** _____, **effective** _____.

REPORT

Proposed Amendment to Pa. R.C.P.D.J. No. 420

Clarification Regarding the Relief a District Justice May Grant in Connection with an Objection to Levy

The Committee reviewed Pa. R.C.P.D.J. No. 420 when, in the course of designing and revising forms relating to other rule changes, it was brought to the Committee's attention that the language in Rule 420B(2) was causing confusion about the relief that a district justice may grant in connection with an objection to levy. Specifically, Rule 420B(2) refers to a "[s]tay . . . of the levy" The Committee noted that a stay issued in accordance with Rule 410, a supersedeas issued in accordance with Rule 1008 or Rule 1013, or a bankruptcy stay, will stay the

entire execution. And, the Committee further noted that such a stay may take effect prior to the executing officer making a levy upon the defendant's property. However, the Committee could not contemplate any procedural occurrence in which the limited relief of staying the levy itself would be necessary or appropriate. The Committee also noted that, as a form of relief in connection with an objection to levy, a stay of the levy is procedurally impossible. In order for an objection to a levy to be raised, the levy must necessarily have already occurred. In such a situation, the appropriate relief may be a stay of the sale, which is provided for in Rule 420B(3).

Accordingly, the Committee proposes that Rule 420B(2) be amended to delete the reference to a stay, and thus remove any confusion about the relief that a district justice may grant in connection with an objection to levy.

In addition, the Committee proposes other minor revisions to the Note to address gender neutrality issues and to enhance clarity.

[Pa.B. Doc. No. 02-1772. Filed for public inspection October 11, 2002, 9:00 a.m.]

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]

[Correction]
TANF Program

An error occurred in the preamble to the document which appeared at 32 Pa.B. 4435, 4438 (September 14, 2002). Act 1996-35 was inadvertently dropped at several locations when statutory authority was discussed. The correct version of the preamble is as follows, with ellipses referring to the existing text:

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; Act 1996-35 (Act 35) which amended sections 401, 402, 403(b), 405, 405.1, 405.3, 408, 432, 432.3—432.5, 432.12, 432.19, 442.1 and 481 of the code and added sections 405.5, 432.22, 434, 448 and 449 to the code; and the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418.

* * * * *

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 Act 35 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

* * * * *

Grounded in the legislative directive in Act 35 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 Act 35.

* * * * *

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 Act 35 that a recipient transition from dependency through increased employment to self-sufficiency as soon as practicable.

* * * * *

[Pa.B. Doc. No. 02-1589. Filed for public inspection September 13, 2002, 9:00 a.m.]

[55 PA. CODE CH. 133, 141, 183 AND 187] **Redetermining Eligibility; General Eligibility Provisions; Income; Support from Relatives Not Living with the Client**

Statutory Authority

The Department of Public Welfare (Department), by this order, adopts this final-form rulemaking to read as set forth in Annex A. The statutory authority for this rulemaking is 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); sections 201(2), 401(a), 402, 403(b), 405, 405.1, 405.3, 432, 432(3) and (8) and 432.21(a) of the Public

Welfare Code (code) (62 P.S. §§ 201(2), 401(a), 402, 403(b), 405, 405.1, 405.3, 432, 432(3) and (8) and 432.21(a)); Act 1996-35 (Act 35) which amended sections 401, 402, 403(b), 405, 405.1, 405.3, 408, 432, 432.3—432.5, 432.12, 432.19, 442.1 and 481 of the code and added sections 405.5, 432.22, 434, 448 and 449 of the code; and 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418 (relating to Domestic Relations Code).

Notice of proposed rulemaking was published at 32 Pa.B. 431 (January 26, 2002).

Purpose

The purpose of this rulemaking is to codify regulations to take advantage of an option under Federal law that permits states to extend Temporary Assistance for Needy Families (TANF) beyond 60 months to a limited number of families on the basis of hardship or domestic violence.

Need for Final-Form Rulemaking

The Department recognizes that some families, due to domestic violence or other barriers, or both, will not achieve self-sufficiency within the 60-month time limit for receipt of TANF assistance prescribed under Federal law. This rulemaking reflects the legislative intent that the Commonwealth's cash assistance programs promote self-sufficiency over dependency. This final-form rulemaking affords families that have exhausted the 60-month time limit the opportunity to receive cash assistance contingent upon participation in employment or other activities designed to move them toward economic independence. This final-form rulemaking provides supportive services, including transportation and child care, to individuals to allow them to participate in specific programs and activities which are part of their plan for self-sufficiency. This final-form rulemaking is also needed to clarify that Extended TANF is a Federal benefit which cash assistance applicants must seek first, before applying for General Assistance (GA), if they are potentially eligible, in accordance with sections 432(8) and 432.21(a) of the code.

Requirements

The Department has reorganized and revised the regulations setting forth eligibility requirements. In the proposed rulemaking, all the eligibility and compliance requirements for Extended TANF were set forth in § 141.51 (relating to policy). In this final-form rulemaking, § 141.51 contains only the basic eligibility policy for Extended TANF. Revised definitions are in § 141.52 (relating to definitions). Provisions applicable to individuals who qualify for Extended TANF based on domestic violence are found in § 141.53 (relating to eligibility based on domestic violence). Section 141.54 (relating to maximum participation project) applies to individuals referred to and participating in the Maximizing Participation Project (MPP). Section 141.55 (relating to mandatory RESET participants) applies to individuals who are mandatory participants in the Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program. Section 141.56 (relating to deferred referral) applies to individuals for whom referral to either MPP or the Work Plus Program (WPP) or another employment and training program is deferred. The provision for special allowances for supportive services for all recipients of Extended TANF is found in § 141.57 (relating to special allowances). Section 141.58 (relating to appeal rights) provides for appeals from termination or denial of Extended TANF.

Affected Individuals, Groups and Organizations

This final-form rulemaking affects families with an adult head of household or spouse of head of household 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.

Accomplishments/Benefits

The final-form rulemaking provides additional services as well as cash assistance to families that did not achieve self-sufficiency in 60 months under TANF.

Summary of Public Comment 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 109 public comments, 89 of which were one of three form letters. In addition to providing constructive comments or suggested revisions to the regulations, a majority of commentators commended the Department for proposing regulations that will continue assistance to needy families who were unable to achieve self-sufficiency within the prescribed TANF time limits. Commentators included: citizens, advocates, the Minority Chairperson of the Public Health and Welfare Committee, the Minority Chairperson of the House Health and Human Services Committee and IRRC.

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

1. GA for children and other family members. (§§ 141.51(b)(2), 141.61(a)(1)(xii))

Comment: Commentators suggested that the Department has no authority to make a family ineligible if the adult fails to comply with the Work Capacity Assessment (WCA), MPP or domestic violence services plan. Some called this a "full family sanction" whether or not the individual's failure to comply involves work requirements. They claimed that according to State law, except for violations of work requirements, only the individual is ineligible and not the entire family. One commentator said that this policy will punish children whose parents are not eligible for Extended TANF; the commentator claimed that the code specifies that children are eligible for GA up to age 18 (or up to age 21 if they are in secondary school). Another commentator expressed concern that the Department's proposed policy regarding family ineligibility may encourage parents to "pass off" their children to other relatives so the children may qualify for cash assistance. Some commentators expressed concern that this policy will lead to increased foster care and related services, an undesirable outcome. Commentators submitted that the requirement in section 432.21(a) of the code that individuals apply first for Federal benefits does not justify precluding GA for the family when the individual fails to comply with this requirement. They disputed the Department's position that the State-run and partially State-funded TANF program is a "Federal benefit" covered under section 432.21(a) of the code. They argued that this statute bars only the "person" who fails to cooperate in seeking Federal benefits.

One commentator claimed that the Department attempted to bolster its "TANF first" argument by making a

subtle but important so-called "technical edit," changing the requirement from applying for a "Federal benefit" to a "Federal program." The commentator suggested that, in making this change, the Department apparently acknowledged that TANF is not a Federal benefit. The commentator suggested that this change is a departure from the statute, which requires that applicants and recipients apply for Federal benefits, which are programs administered and paid for with Federal revenues, such as Supplemental Security Income (SSI). Moreover, the commentator claimed that TANF is not a Federal benefit; rather, it is a block grant of money paid to the states, commingled with state maintenance of effort (MOE) funds, to be used to benefit needy children as the Commonwealth sees fit. The commentator said that the Department's position is undercut by the existence of the Time-Out program; if TANF is a Federal program that must be accessed first, before any State funds are utilized, there would be no way to administer Time-Out because recipients would have to immediately reapply for the Federally-funded TANF program first. In addition, the commentator suggested that attempting to recast the statutory requirement as an obligation to apply for any Federally-funded program requires all individuals to apply for a vast array of Federally-funded programs, such as public housing, food stamps, school breakfast and lunch, Head Start and the Women, Infants and Children Program (WIC). The commentator suggested that although application for such voluntary programs may sometimes be advisable, it is not, and should not be, necessary, nor does the Department intend this result.

Finally, the commentator claimed that cooperation with WCA, MPP or a domestic violence services plan are not definitive conditions of TANF eligibility, so a parent who does not cooperate with these cannot herself be denied GA (if otherwise eligible) for one of these reasons. The commentator said that although the code does not specify what constitutes a "definitive condition," the definition can be readily inferred, and does not include work and other requirements that apply equally to TANF and GA applicants and recipients. The only conditions of TANF that truly distinguish it from GA, the commentator said, are that TANF requires: (1) a deprived child; and (2) a specified relative. Without these, an otherwise eligible individual may receive GA, not TANF; they contend there are no other rules that distinguish TANF from GA, and the Department may not create new differences the General Assembly did not authorize. The commentator noted that under section 432(8) of the code, failure to meet a definitive condition of TANF solely because of refusing to cooperate in establishing eligibility for TANF results only in the person's ineligibility for GA.

Response: The Department disagrees with the commentators' suggestion that it has no authority to make the family ineligible if the adult fails to comply with WCA, MPP or other Extended TANF provisions that do not involve work requirements. Under sections 201(2), 403(b) and 432 of the code, the Department is authorized to establish rules, regulations and standards regarding eligibility of individuals who may be eligible for cash assistance, including GA. Contrary to the commentators' suggestion that certain individuals (for example, children up to age 18, or age 21 for those in secondary school) are entitled to GA, see section 432(3) of the code states that certain individuals "may be eligible for general assistance . . . subject to the rules, regulations, and standards established by the department." See sections 432, 432(3)(i) of the code. Thus, section 432(3)(i) of the code recites who may be eligible for GA, while section 432 of the code

authorizes the Department to establish the rules, regulations and standards for those individuals. The prefatory language of section 432 of the code evinces the General Assembly's intent to confer broad discretion upon the Department in setting these rules and standards, including eligibility requirements.

For example, although some commentators questioned the Department's authority to establish rules specifying: (1) that the family is ineligible for GA if the adult fails, without good cause, to cooperate in establishing eligibility for Federal benefits; and (2) that the family is ineligible for GA if the adult fails to meet a definitive condition of TANF solely because he refuses to cooperate in establishing eligibility for TANF, section 432 of the code and other statutory provisions clearly give the Department this discretion. While sections 432.21(a) and 432(8) of the code, respectively, preclude GA for an individual who fails to comply with these requirements, these provisions do not constrain the Department to limit GA ineligibility to the adult. Unlike section 432.3(a)(iii)(2) of the code (regarding durational sanctions for failure to comply with work requirements), the General Assembly did not limit ineligibility "only" to the individual. Under section 432 of the code, the Department is authorized to establish the foregoing rules, stating that the family is ineligible if the individual (the adult) fails to comply with WCA, MPP or other Extended TANF provisions that do not involve work requirements.

Further, the Department does not agree with the commentator who suggested that "definitive conditions" under section 432(8) of the code do not include work and other requirements that apply equally to TANF and GA applicants and recipients. The Department disagrees with the commentator's claim that the only definitive conditions of TANF (and Extended TANF) are that the family must include: (1) a deprived child; and (2) a specified relative. The Department interprets "definitive conditions" to mean "conditions of eligibility." The Department does not agree with the commentator that "definitive conditions" of TANF (or Extended TANF) must be exclusive to TANF (or Extended TANF). Moreover, the Department does not agree that the regulations create new differences the General Assembly did not authorize. However, the Department agrees that if a family is ineligible for TANF or Extended TANF because the family does not include a deprived child and specified relative, the family may receive GA if otherwise eligible.

Other statutory provisions also bolster the Department's discretionary authority to set eligibility rules and standards such as these. These rules and standards supplement, and are consistent with, those already articulated in the code. For example, section 201(2) of the code specifies that the Department shall have the power and duty "to promulgate regulations, establish and enforce standards and to take such other measures as may be necessary to render the Commonwealth eligible for available Federal funds and other assistance." Certainly, this includes Federal funds for Extended TANF benefits. In addition, section 403(b) of the code provides that "the department shall establish rules, regulations and standards, consistent with the law, as to eligibility for assistance and as to its nature and extent." Section 403(b) of the code also underscores that "[w]henver possible, except for residency requirements, and consistent with State law, the department shall establish rules, regulations and standards for general assistance consistent with those for aid to families with dependent children [now, TANF]. In no instance shall the rules, regulations and standards established for general assistance provide for

assistance greater than that provided for [TANF].” As these provisions demonstrate, the General Assembly did not intend for section 432 of the code to comprise all the rules and standards for GA.

The Department disagrees with the commentator who attempted to distinguish “Federal benefits” from “Federal programs,” claiming that TANF is not a Federal benefit. This is a distinction without a difference. In fact, the General Assembly used these phrases interchangeably in section 432.21(a) of the code. Therefore, § 141.21 (relating to policy) is not a substantive departure from the statute. The Department disagrees that TANF is not covered under section 432.21(a) of the code simply because Federal TANF block grant money is commingled with MOE funds for TANF. Both are funding sources for the TANF program; both are used to provide TANF benefits to eligible recipients. Section 432.21(a) of the code does not specify that a benefit or program must be solely Federally funded to be considered a Federal benefit or program. The Department’s position is not undercut by the existence of the Time-Out program. Section 403(b) of the code grants the Department authority to establish rules and regulations for assistance benefits and the nature and extent of those benefits. The Department has chosen not to apply the provision of section 432.21(a) of the code to the optional Time-Out benefits provided in the TANF program under Chapter 281 (relating to Time-Out benefits). Accordingly, Time-Out benefits are not listed in § 141.21(n).

Time-Out benefits are provided to TANF-eligible families who have not exhausted 60 months of TANF and who are exceeding applicable work participation requirements, are kinship caregivers or are victims of domestic violence. This is consistent with the General Assembly’s intent to encourage and aid families in their efforts to achieve self-sufficiency. These benefits also enable children to remain in the care of relatives. Although Time-Out is funded with State funds, those State expenditures for families eligible for basic TANF are counted as State MOE expenditures for purposes of assuring the receipt of Federal TANF funds. See 42 U.S.C.A § 609(a)(7). Expenditures of State funds qualify under 42 U.S.C.A. § 609(a)(7) only if the families meet all the TANF requirements except the time limit and provisions applicable to certain aliens. See 42 U.S.C.A. § 609(a)(7)(B)(i)(IV). Families in Time-Out meet these requirements. In providing State-funded Time-Out benefits to families who could qualify for TANF, the Department is acting consistent with both the mandate in section 201(2) of the code to ensure the receipt of Federal funds and the requirement of 42 U.S.C.A. § 609(a)(7) to maintain the level of State expenditure on TANF-eligible families.

Moreover, the Department disagrees that the “Federal programs/benefits first” rule requires all individuals to apply for every type of Federally-funded program/benefit, including noncash benefits, public housing, food stamps, school breakfast and lunch, Head Start and WIC. These programs/benefits are supplementary in nature; section 432.21 of the code requires applicants and recipients to pursue Federal programs/benefits as the “primary source of financial assistance” for these individuals. Noncash benefits are generally not a primary source of financial assistance.

The Department does not agree that this policy will punish children whose parents are not eligible for Extended TANF, encourage parents to “pass off” their children to other relatives so the children may qualify for

cash assistance or lead to increased foster care and related services. For those not subject to RESET participation requirements, failure to comply does not yield a full-family durational sanction under § 141.55(c), which follows sections 432.3 of the code and § 165.61 (relating to sanctions). Recipients who become ineligible for failure to comply with Extended TANF provisions that do not involve RESET participation requirements (for example, requirements to cooperate in obtaining a WCA or to comply with an MPP service plan) may reestablish eligibility for Extended TANF an unlimited number of times.

2. 30-hour requirement. (§§ 141.51, 141.52)

Comment: Commentators claimed that the 30-hour WPP work and work-related activity requirement violates Federal and State law. Specifically, they argued that requiring 30 hours violates the Fair Labor Standards Act (FLSA) (29 U.S.C.A. §§ 201–219) and the Americans With Disabilities Act (ADA) (42 U.S.C.A. §§ 12131–12156); they also suggested that the 30-hour rule is bad policy. They asked the Department to articulate a rationale for requiring this more stringent work requirement after 60 months and for expecting that recipients will be able to meet the 30-hour requirement. They asked the Department to state the specific statutory authority for requiring 30 hours of combined work or work-related activities and questioned the statutory authority for making this requirement a condition of eligibility.

Further, they suggested that the regulations be revised to require compliance with Federal and State employment laws (for example, involving unemployment insurance, the Occupational Safety and Health Act and the FLSA) and civil rights laws. One commentator said that the 30-hour rule violates the ADA for disabled persons unable to work those hours, but required to participate in WPP. The commentator said the Department should modify this requirement for those who cannot work 30 hours per week due to disability (whether their own or a child in their care), for example, by requiring less than 30 hours for these individuals or excusing them from the requirement based on “good cause.” Whether a disabled individual cannot work the requisite 30 hours on occasion or as a rule, the commentator suggested that the regulations be revised to accommodate these individuals. Moreover, the commentator said that the 30-hour requirement is inconsistent with the minimum 20-hour per week work requirement in section 405.1(a.2)(6) of the code because the statute requires 20 hours per week, based on an average. Also, the commentator claimed that the 30-hour requirement is more objectionable than the proposed requirement to “maximize employment,” which appeared in the Department’s proposed rulemaking for the basic TANF program at 31 Pa.B. 5875 (October 20, 2001). Arguing that the 30-hour minimum creates an “all or nothing” approach to work that makes no sense, the commentator asked whether a person who, trying as hard as she can, can find a job for 25 hours per week should be treated the same as a person who is not meeting the work requirement.

Commentators also suggested that 30 hours may not be possible for everyone who is not self-sufficient after 60 months of TANF, especially those caring for children with special needs, single parents who cannot balance working 30 hours and other responsibilities, such as raising their children or caring for elderly or infirm relatives, and those without guaranteed child care or transportation. They contended that individuals in these situations should not be sanctioned. Some commentators submitted that those who must care for disabled or infirm relatives

are best suited to do so because they have the necessary skills and compassion for this difficult task. They noted that a 30-hour per week job might pay less per week than a 20-hour job if the hourly wage is lower. One commentator questioned whether the Department has information about these factors: the distance between families' homes and available child care; availability of public transportation at all necessary times; how long it takes to travel from home to child care to work and back again; what time is left for education and training in light of the Department's "work-first" policy. One commentator suggested that the regulations be revised to also allow an individual to qualify for Extended TANF if the individual engages in an average of at least 20 hours per week of private sector employment.

Response: Although the Department disagrees that the 30-hour WPP work and work-related activity requirement violates Federal and State law, it has revised the regulations to specify that: (1) program rules and requirements will be modified in accordance with the ADA; and (2) the 30-hour work and work-related requirement will consist of combined work and work-related activities, in accordance with the FLSA. The Department finds that it is unnecessary to revise the regulations to require compliance with other Federal and State employment and civil rights laws. The Department is already required to comply with Federal and State law whether or not the regulations cross-reference applicable statutory provisions.

The Department is authorized to require at least 30 hours of combined work and work-related activities for individuals who must comply with RESET. Contrary to the commentators' claim, this requirement does not violate Act 35 and is not inconsistent with the minimum 20-hour work requirement in section 405.1(a.2)(6) of the code. Under sections 403(b), 405, 405.1, 432 and 432.3 of the code, the Department is authorized to require individuals to work more than the statutory minimum of 20 hours per week. Under sections 403(b) and 432 of the code, the Department may establish eligibility rules for its programs. The code does not contain an exhaustive recitation of the rules and requirements for the Department's programs; Departmental regulations contain additional eligibility rules and requirements for these programs. Likewise, section 405 of the code authorizes the Department to establish eligibility rules for employment, work-related activities and training for employable recipients. In addition, section 405.1(a.2)(6) of the code sets the statutory minimum at 20 hours per week as a condition of eligibility after 24 months of cash assistance, but section 405.1 of the code nowhere states that this is the maximum number of hours an individual is required to work as a condition of eligibility. Indeed, under section 432.3(a)(ii) and (iii) of the code, an individual is subject to sanction if he fails, without good cause, to apply for work at such time and manner as the Department prescribes, accept referral to and participate in a work-related activity, or work in and retain employment in which he is able to engage. Accordingly, if the Department directs that a nonexempt individual must apply for work through WPP, accept referral to and participate in a work-related activity through WPP, or work in and retain employment in which he is able to engage through WPP, he must comply unless he establishes good cause for not doing so.

The 30-hour requirement is also squarely consistent with Federal law. The Department is authorized under 42 U.S.C.A. § 608(a)(7) and 45 CFR 264.1 to establish rules for TANF after 60 months, exempting up to 20% of the caseload, as specified in 42 U.S.C.A. § 608(a)(7)(C)(ii). In

addition, under 42 U.S.C.A. § 609(a)(3), the Department is subject to penalty if it fails to satisfy the minimum work participation rate for that year. See 42 U.S.C.A. § 607(a) (regarding participation rate requirements). The work participation rate is based on the number of adults and minor child heads of household who are "engaged in work," as defined in 42 U.S.C.A. § 607(c). In calculating the work participation rate for the year 2000 and beyond, an individual is considered "engaged in work" if he participates in at least 30 hours per week, consisting of at least 20 hours of "core" activities (for example, unsubsidized and subsidized employment) and the balance consisting of a broader range of activities. See 42 U.S.C.A. § 607(c) and (d) (regarding minimum work requirements for individuals to be considered "engaged in work") and (d) (regarding work activities).

In part, the Department's rationale for requiring at least 30 hours per week of combined work and work-related activities (including education and training) is based on the Department's goal of complying with Federal work participation rate requirements. This requirement is also grounded in the legislative directive that work is essential to self-sufficiency. Indeed, many current TANF recipients are already participating 30 hours per week in contracted employment and training programs. If working at least 20 hours per week during 60 months of TANF did not lead to financial independence, the Department finds that stepped-up efforts—of recipient and agency alike—are needed. Training, job search and other work-related activities are intended to bolster an individual's participation in work activities. For these reasons, the Department also disagrees with the commentator's suggestion that the regulations should specify that an individual may receive Extended TANF if he engages in an average of at least 20 hours per week of private sector employment. The Department does not find sufficient reason to treat those working in private sector employment differently than those working in the public sector or in one of the Department's employment and training programs.

The final-form regulations clarify that unless an individual establishes good cause for not complying with the minimum 30-hour per week requirement, if he is working 20-29 hours per week in unsubsidized employment, he must maintain employment and enroll and participate in a job retention and advancement program for the balance (see § 141.55(a)(3)). An individual who is employed 20-29 hours per week, but establishes good cause for not participating in 30 hours of combined work and work-related activities, is required to maintain employment and address the good cause situation through WPP (see § 141.55(a)(6)(i) and (iv)). Further, an individual who is employed less than 20 hours per week must maintain employment and enroll in WPP for the balance (see § 141.55(a)(4)), unless the individual establishes good cause for not participating in 30 hours of work and work-related activities. In that case, unless he has good cause for not complying with RESET, the individual must maintain employment, comply with RESET by participating in WPP for a combined total of at least 20 hours per week, and address the good cause situation (see § 141.55(a)(6)(ii) and (iv)). Finally, an individual who is unemployed must participate in WPP, unless he establishes good cause for not participating in at least 30 hours of work and work-related activities (see § 141.55(a)(5)). If the individual has good cause for not participating in 30 hours, he must comply with RESET, unless he has good cause for not doing so, by participating in WPP for at least 20 hours per week and address the good cause situation through WPP (see § 141.55(a)(6)(iii) and (iv)).

As revised, the final-form rulemaking protects individuals who are required to comply with RESET but establish good cause for not complying with the minimum 30-hour work and work-related requirement of Extended TANF.

Individuals who establish good cause for not complying with the 30-hour work requirement are not subject to sanction under § 141.55(c), but must comply with RESET, unless they establish good cause for not complying with RESET. The Department's policy is flexible, fair and illustrates that the 30-hour requirement is not an "all-or-nothing" approach or "bad policy," as commentators suggested. For example, an individual who declines a 30-hour job in favor of a 20-hour job that pays more per week may have good cause for not taking the 30-hour job. Unless the individual establishes good cause for not participating in 30 hours of work and work-related activities, the individual is required to participate in a job retention and advancement program for the balance. Likewise, an individual caring for a disabled or infirm relative may establish good cause for not working 30 hours per week. The individual, too, must comply with § 141.55(a), unless he establishes good cause for not complying with RESET. If the individual must comply with RESET, the individual is required to address the good cause situation, which may include seeking appropriate care within a reasonable distance from home. Although the Department agrees that family members are often best suited to provide nurturing care for disabled or infirm relatives, appropriate care within a reasonable distance from home may be available from nonfamily members in or outside of the home.

Finally, the Department has systematic and anecdotal information regarding available child care, public transportation, travel times and distances between areas and other factors affecting an individual's ability to comply with the 30-hour work requirement and RESET. Caseworkers are usually familiar with the transportation and services in their counties; caseworkers also receive information about these factors from the recipients.

3. Domestic violence. (§ 141.51(a)(1))

Comment: Commentators suggested that the regulations do not protect victims of domestic violence. They claimed that: (1) the regulations do not fully implement the Family Violence Option (FVO) and recommendations of the Department's Domestic Violence/TANF Task Force (DVTF); (2) the regulations should provide for waivers generally and specifically, waivers involving the time limit "for as long as necessary," and for families "at risk of further violence," as provided in Federal law; (3) domestic violence victims should qualify for Extended TANF whether or not they received a prior waiver of child support or work requirements; (4) the regulations should include a comprehensive description of who is eligible for a time limit waiver based on domestic violence, including those with current, past or threat of future domestic violence, whether or not they had waivers of program requirements; (5) the regulations should clarify that Extended TANF is available for those with past, current or at risk of future domestic violence; (6) the regulations should provide a comprehensive description of the domestic violence services plan. They suggested that the regulations be revised to provide guidance on Extended TANF for victims of domestic violence who: (1) have or have not had waivers of other program requirements (including those who received Time-Out benefits); (2) are experiencing or have experienced domestic violence but do not currently have (and did not previously obtain) waivers of program requirements; or (3) will experience domestic

violence in the future and need to return to TANF after a brief time off TANF. They claimed that all of these individuals are encompassed within the FVO, and that they (as well other recipients) have had no prior notice that Extended TANF would be available. They also said that many victims may have chosen not to pursue a waiver, and that clear information regarding domestic violence waivers has not always been readily available to them. One commentator asked if a family experiencing domestic violence can qualify for Extended TANF if domestic violence was not previously established under TANF. If so, the commentator said the regulations should include a cross-reference to this process.

One commentator asked the Department to clarify the duration of Extended TANF for domestic violence victims other than those with good cause waivers for child support or work requirements. The commentator suggested that for those with current or previous waivers of program requirements or who received Time-Out due to domestic violence, the minimum duration should be the length of the waiver, supplemented by an assessment of need based on current or future risk of domestic violence. Another commentator asked the Department to allocate more resources to improve how caseworkers handle domestic violence issues. Yet another commentator suggested that the regulations be revised to help individuals "break the abusive cycle" and to disqualify those who continue "of their own free will, to engage in a relationship which had a history of violence or abuse." The commentator urged the Department to require counseling and anger management sessions as a condition of eligibility for cash assistance. One commentator suggested that § 141.51(a)(1)(iv) of the proposed rulemaking provides for a domestic violence services plan that is inconsistent with Federal regulations (45 CFR 260.55(c) (relating to what are the additional requirements for Federal recognition of good cause domestic violence)) requiring that waivers be "accompanied" by a services plan. The commentator suggested that proposed § 141.51(a)(1)(iv) be revised to track and cross reference 45 CFR 260.55(c).

Another commentator said that the regulation does not provide enough detail about what constitutes a domestic violence plan, and that it should specify or cross reference the requirements of a domestic violence services plan. This commentator asked the meaning of the phrase "person trained in domestic violence," the level of training required to develop a domestic violence services plan, and whether these persons are employed by the Department or under Department contracts for services. Finally, this commentator asked what process the Department will follow to rescind a waiver when eligibility is reviewed, and how an applicant can appeal a finding that would rescind eligibility; the commentator suggested that the Department include or cross reference these processes in the regulation.

Response: The Department finds that this rulemaking does protect victims of domestic violence. The Extended TANF regulations implement the FVO by including domestic violence as a criterion for receipt of assistance beyond 60 months. Section 141.51(a)(1), revised and redesignated § 141.53, sets forth the eligibility requirements for Extended TANF based on domestic violence.

The Department, in collaboration with members of the DVTF, will develop a comprehensive FVO regulation that includes FVO policies and recommendations of the DVTF not yet included in either the basic TANF regulations or this final-form rulemaking. These planned enhancements are primarily procedural rather than substantive. These

include provisions related to policies and recommendations related to universal notification, referral for supportive services, uniform verification requirements, a more detailed description of the domestic violence services plan, battered immigrants and waivers of TANF program requirements for other than time limits, child support and RESET.

The Department agrees with the commentators' suggestion that the regulations should provide for waivers of the time limit "for as long as necessary" and has revised § 141.51(a)(1)(ii) and (iii), redesignated § 141.53(c) accordingly. This revision is consistent with 42 U.S.C.A. § 602(a)(7)(A)(iii) and 45 CFR 260.52(c) (relating to what are the basic provisions of the Family Violence Option (FVO)), which outline the basic provisions of the FVO. This revision is consistent with and, in fact, is more generous than one commentator's suggestion that the minimum duration of a time-limit waiver be the length of the child support or work requirement waiver, supplemented by an assessment of current or future risk of domestic violence.

The Department appreciates the commentators' suggestion that the regulations should provide for waivers of time limits for families "at risk of future domestic violence" but disagrees that this language is consistent with Federal law. Federal statute at 42 U.S.C.A. § 602(a)(7)(A)(iii) and regulations at 45 CFR 260.52(c) and 45 CFR 260.59(a)(2)(i) (relating to what penalty relief is available to a State that failed to comply with the five-year limit on Federal assistance because it provided federally recognized good cause domestic violence waivers) provide for waivers of time limits for families "at risk of further domestic violence." Consequently, the Department has revised § 141.51(a)(1), redesignated § 141.53(a), to clarify that a family is eligible for Extended TANF if an individual or family member is experiencing, has experienced, or is at risk of further domestic violence.

In response to the commentators' suggestion that victims of domestic violence should qualify for Extended TANF whether or not they received a prior waiver of child support or work requirements, the Department agrees and has revised § 141.51(a)(1), redesignated § 141.53(a) accordingly. As explained previously, § 141.53(a) provides that a family is eligible for Extended TANF if the individual or family member is experiencing, or has experienced domestic violence, or is at risk of further domestic violence. Additionally, § 141.53(a)(2) outlines verification requirements for families which never had a waiver of TANF child support cooperation or work requirements. Because the regulations clarify that a family may receive Extended TANF on the basis of domestic violence even though the domestic violence was not established under TANF, a cross reference is unnecessary.

The Department disagrees with the commentators' suggestion that the regulations should include a comprehensive description of the domestic violence services plan. The Department has purposely refrained from including more specific detail on the services plan at this time. The Department has made a commitment to the DVTF that its members will be permitted to play a major role in the development of "final" FVO regulations, which the Department expects will include a more comprehensive description of the domestic violence services plan. The Department agrees with the commentators' suggestion that the regulations should cross-reference the Federal regulations at 45 CFR 260.55(c), and has revised § 141.51(a)(1)(iv), redesignated § 141.53(a)(2), as follows: "A fam-

ily eligible for Extended TANF due to domestic violence shall have a domestic violence services plan that meets the requirements of 45 CFR 260.55(c) (relating to what are the additional requirements for Federal recognition of good cause domestic violence waivers)."

With regard to one commentator's question concerning persons trained in domestic violence, the Department refers the commentator to the final Federal TANF rule-making that was published at 64 FR 17720 (April 12, 1999). While Federal law does not define "a person trained in domestic violence," the preamble for the TANF Federal regulations, 64 FR 17745, provides some guidance to states in this area. According to the Department of Health and Human Services, Administration for Children and Families, states have the flexibility to decide the appropriate roles for TANF staff and domestic violence service providers in administering the provisions of the FVO. The Federal expectation is that persons trained in domestic violence will develop service plans and assessments. However, Federal regulations do not prescribe any specific training curriculum, staff credentials or administrative structure for delivering services. Notwithstanding the lack of regulatory guidance on these issues, the Department will expect staff who perform these functions to have some training in domestic violence and must have some level of special knowledge and expertise to make appropriate decisions in these highly sensitive cases.

Consequently, from June 1999 through February 2000, the Department provided training to caseworkers, in collaboration with the Pennsylvania Coalition Against Domestic Violence (PCADV). The training included information about: (1) domestic violence and its impact on self-sufficiency; (2) Department policies and procedures related to domestic violence; and (3) services, supports and protections available to victims through PCADV and other agencies. One objective of the training on domestic violence provided to caseworkers was to help them understand why victims make certain decisions related to staying or leaving an abusive relationship. In many instances, leaving does not reduce the risks. In some instances, leaving may cause the violence to escalate.

Individuals who disclose domestic violence and agree to referral for counseling and other supportive services are directed to a domestic violence service provider in the community. Depending upon the individual's circumstances and preference, the domestic violence services plan may be developed by the service provider or the caseworker.

The Department agrees with the commentator's request that the Department allocate more resources to improve how caseworkers handle domestic violence issues. Under a contract with the Department and with input from Department staff, PCADV is developing a desk guide for caseworkers that will serve as a quick reference for recognizing and responding to the needs of domestic violence victims. In addition to the desk guide for caseworkers, each CAO will receive a Domestic Violence Manual that contains: a) detailed information on domestic violence, for example, what it is, how to recognize it and where to make appropriate referrals; and b) specific references to Departmental policies in place that are relevant to the treatment of victims of domestic violence. Finally, the Department plans to provide additional training to CAO staff on the numerous changes to policy that have occurred since the initial FVO training.

The Department disagrees with the commentator's suggestion that the regulations should be revised to deny or terminate assistance benefits to individuals who stay in

abusive relationships. This commentator specifically requested that: (1) individuals who continue in abusive relationships "of their own free will" be denied or terminated from the Extended TANF program; and (2) that participation in anger management and counseling programs be conditions of eligibility for Extended TANF. Caseworkers have received training in recognizing the signs of domestic violence and will refer individuals to appropriate voluntary counseling and protective services. However, the Department does not agree that attendance in counseling and anger management sessions should be conditions of eligibility for Extended TANF. Victims may be reluctant to disclose domestic violence if they know that accessing services is mandatory, especially if they believe they may be in more danger if they seek such help. The decision to seek help must be the individual's, because counseling is most effective when it is voluntary and unencumbered by the fear of reprisal by the perpetrator.

Finally, with respect to the commentator's question about the processes followed to notify families of ineligibility for Extended TANF or a waiver and their right of appeal, the answer is that the customary regulatory processes are followed. If the family is determined ineligible for a waiver or for Extended TANF on the basis of domestic violence, the caseworker will generate a notice of adverse action that informs the family of the reasons for the termination and advises them of their right to appeal the decision. Rather than add a cross-reference to Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) in § 141.53, the Department has added § 141.58 to provide the following: "An individual may appeal the denial or termination of Extended TANF under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings)."

4. *Verification of domestic violence.* (§ 141.51(a)(1))

Comment: Commentators suggested that the regulations set forth verification procedures for domestic violence, including those for individuals who have not previously provided verification of domestic violence and who previously verified and need not produce further verification. They also suggested that where verification is required, a uniform verification form that includes Extended TANF, Time-Out and other program requirements should be used; they say that this will make procedures for Extended TANF consistent with those for support waivers and Time-Out. They also said that as with the support waivers and Time-Out, this form would be used to accompany any one of the following types of verification: documentation, third party verification and self-affirmation. Further, they said the regulations should clearly state that any one of these types of verification is sufficient to establish eligibility for Extended TANF.

Commentators also requested that the regulations be revised to clarify the 6-month review process and the verification process during this review; they suggested that if the individual has provided verification to support waiver of any program requirement, no further verification should be required at the 6-month review unless circumstances have changed.

Response: The Department agrees with the commentators' suggestion that the regulations should set forth the verification requirements for domestic violence, including requirements for individuals who have, and those who have not, previously provided verification. The Department has revised § 141.51(a)(1)(i), redesignated § 141.53(a)(1), to provide that no further verification is

necessary if the adult has a current or past waiver of child support or work requirements, or both, or received Time-Out benefits based on a claim of domestic violence. Section 141.53(a)(2) provides that verification or self-affirmation of domestic violence is required of individuals who have not had prior good cause waivers of program requirements or received Time-Out benefits based on domestic violence.

The Department also agrees with the commentators' suggestion that a uniform domestic violence verification form be used that applies to Extended TANF and Time-Out. Section 141.53(a)(3) specifies that the CAO will complete a domestic violence verification form under § 187.27(b)(1)(vii) (relating to waiver of cooperation for good cause), with the exception that the 6-month limitation as specified in § 187.27(b)(1)(vii)(C) does not apply. This form, the PA/CS 1747, has been renamed the "Domestic Violence Verification Form" (formerly titled "Verification of Good Cause Based on Domestic Violence") and revised to include check-off blocks for RESET, Time-Out and Extended TANF. Section 187.27(b) is revised to reflect the new "generic" name of the PA/CS 1747.

With respect to the commentators' request that the regulations clarify the 6-month review and verification process, the Department agrees. Section 141.51(a)(1)(v), redesignated § 141.53(d)(1) and (2), is revised to provide that the CAO will review eligibility for Extended TANF based on domestic violence at least every 6 months and will not require additional verification unless circumstances have changed.

5. *Time limit policy.* (§§ 141.41, 141.41(f), 141.41(f)(1))

Comment: Commentators said that the regulations should be consistent with and include the Department's other "essential" exceptions to the time limit policy, including several exceptions that have already been implemented, such as Time-Out and nonassistance. They also suggested that the regulations include a clarification of what counts or does not count toward the 60-month time limit (for example, assistance reimbursed through child support collection). They suggested that all circumstances that do not count toward the 60-month limit should be included in subsection (f). One commentator suggested that the regulations clarify the relationship between Regulation # 14-472 (which establishes the 60-month time limit for receipt of TANF assistance) and this rulemaking; specifically, the commentator suggested that a clear statement be made that the 60-month limit will not apply until after this rulemaking is final.

Further, commentators said that § 141.41(f)(1) describes "one circumstance when a TANF recipient would not be charged with assistance against their 60-month time limit;" they noted other circumstances such as nonassistance, Time-Out and other examples described in the Department's Cash Assistance Handbook. One commentator suggested that the regulations be revised to say that "periods of cash assistance that are solely State-funded do not count toward the 60-month limit." Another commentator said proposed § 141.41, as written, would not exclude the months spent in the Time-Out program from a recipient's 60 months.

They reiterated a comment they made about the basic TANF regulations and time limit policy: that the Department should publish all proposed rulemaking involving exceptions to the time limit as soon as possible, then file a comprehensive final-form regulation containing all TANF-related provisions as a single regulation. They also said that finalizing the basic TANF regulations before

this rulemaking will mean that “[m]any questions regarding the overall TANF program will remain unanswered under this scenario.” They also questioned whether the amendments to § 141.41 in this rulemaking remain consistent with Regulation #14-472.

Response: The basic TANF program is the foundation for this rulemaking, Extended TANF. Given the discrete nature of Extended TANF, the Department decided not to combine it with the basic TANF rulemaking. The Department chose to promulgate the basic TANF rulemaking first.

These regulations are consistent with the eligibility requirements for the basic TANF program. Basic TANF includes regulations for the State-funded Time-Out program in Chapter 281. Section 141.41(d)(8) and § 281.1 (relating to policy) clarify that benefits received under Time-Out do not count towards the 60-month limit. Section 141.41(d)(6) clarifies which benefits are not considered TANF “assistance received” for purposes of calculating months of TANF received. Accordingly, with these changes in §§ 141.41(d)(6) and (8) and 281.1, it is not necessary to revise § 141.41(f)(1).

Individuals who received 60 months of TANF prior to the effective date of this rulemaking and are otherwise eligible for TANF have continued to receive TANF. See 32 Pa.B. 432 (January 26, 2002). Upon publication of this rulemaking, individuals who have exhausted 60 months of TANF assistance will be required to comply with the eligibility requirements for Extended TANF.

The Department has not included in this rulemaking the initiatives and projects known as nonassistance. Nonassistance is not subject to the 60-month time limit. The 60-month time limit applies only to TANF “assistance.” Accordingly, an exception to the time limit for nonassistance is unnecessary. Nonassistance initiatives, announced by public notice of intent to amend the TANF State Plan published at 30 Pa.B. 2954 (June 10, 2000), include work supports and other services to low-income families. Although Federal law limits nonassistance cash benefits to a maximum of 4 months, the Department’s nonassistance benefits do not include monthly cash benefits.

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 and the 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.

There is no time limit for receipt of Extended TANF. 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 under this rulemaking.

It was not necessary to revise this rulemaking to provide that cash assistance that is solely State-funded is not counted towards the 60-month limit. The regulations are clear that the 60-month time limit applies only to TANF cash assistance, not to State-funded GA or Time-Out benefits. See §§ 141.41(d)(1) and 281.1.

6. No time limit.

Comment: One commentator requested “an end to time limits.” One commentator suggested that the TANF

5-year time limit should not apply to families of disabled immigrant parents who arrived in the United States after August 22, 1996, and who do not qualify for SSI because of the SSI prohibition against payments to noncitizens.

Response: With respect to the commentator’s request to “end time limits,” the Department refers the commentator to 45 CFR 264.1(a)(1) which prohibits states from providing TANF assistance to a family in which an adult head-of-household or spouse of head-of-household has received TANF assistance for 60 cumulative months. However, the Department has elected the Federal option at 45 CFR 264.1(c) that permits states to extend TANF assistance for up to 20% of the average monthly number of families receiving assistance during the fiscal year (or the preceding fiscal year). Families in the 20% are limited to families with a hardship or domestic violence. Cash assistance received under the Extended TANF program is not time-limited, but families must meet specific eligibility requirements and comply with individualized plans for self-sufficiency to remain eligible. Families of disabled immigrant parents who have received 60 months of TANF may qualify for Extended TANF in the same manner as families of parents who are citizens.

7. LEP. (§§ 141.51(a)(2), 141.52)

Comment: Commentators suggested that the Department revise the regulations to specifically acknowledge or assist those with Limited English Proficiency (LEP) and provide “off-the-clock” assistance for persons with LEP. One commentator claimed that no vocational training programs have been offered in languages other than English. The commentator also contended that persons with LEP did not have the opportunity to engage in training programs, job readiness or work experience programs which could enable them to enhance their skills and prepare to move from welfare to work. The commentator argued that the Department is required by Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d), to take affirmative actions to overcome the effects of prior discrimination.

One commentator stated that persons with LEP have not had the opportunity to use their 5 years on TANF to participate in English-as-a-Second Language (ESL) classes. That commentator further argued that without Departmental funding for ESL classes, persons with LEP will not have the opportunity to participate in ESL programs with an intensity level needed to significantly advance in their English proficiency.

Response: The Department disagrees with the commentators’ allegation that persons with LEP did not have the opportunity to participate in ESL classes, vocational training, job readiness or work experience programs. The Department acknowledges the need for additional employment and training services for persons with LEP. The Department and its contractors are continuing to develop more programs and services for LEP individuals. Employment and training services have been and continue to be available in up to 23 languages other than English. Not all programs are available in all languages. Employment and training contractors are required to provide services to persons with LEP in the participant’s language for the following: job search, skills training, work experience, literacy, remedial education and job retention and advancement. In addition to language instruction provided by employment and training contractors, recipients of TANF have qualified for special allowances to attend ESL classes in the community. Because neither employment and training services nor ESL classes were denied to persons with LEP in the past, the Department disagrees

with the commentator's suggestion that there has been prior discrimination which necessitates affirmative action under Title VI.

The Department did not adopt the commentator's suggestion that the Department create a new basis for eligibility for "off-the-clock" benefits for persons with LEP. LEP alone is not a basis for eligibility for any cash assistance benefit. Individuals with LEP may qualify for Extended TANF under §§ 141.53–141.56 in the same manner as any other individuals. In addition, they are provided with language services needed to ensure meaningful access to benefits and programs. As discussed previously, contractors are required to provide employable recipients with employment and training services in the language they understand. In addition, ESL classes are included in WPP as specified in § 141.52 and are available to individuals in other employment and training programs. ESL classes also may be part of an individual's MPP service plan as specified in § 141.52. Extended TANF recipients whose referral to MPP or WPP is deferred or who qualify for Extended TANF based on domestic violence may participate in ESL classes. An individual whose approved AMR includes participating in ESL classes qualifies for supportive services to attend those classes.

The Department disagrees with the commentator's suggestion that it is necessary for the Department to fund ESL classes for persons with LEP to advance significantly in their English proficiency. Commentators presented no evidence to support their view that current methods of ESL instruction are insufficient. An ESL instruction is included in contracted WPP and other employment and training programs. In addition, ESL classes are available from multiple community agencies.

8. Short-term emergency benefits. (§ 141.41)

Comment: Commentators suggested that the Department provide short-term cash benefits (up to 4 months) as an available form of nonassistance for families facing a crisis. They said that providing these benefits makes more sense than MPP or WPP for people facing sudden unemployment, homelessness or other crisis who may need only short-term help to get back on track. Commentators claimed that the regulations create or fail to correct undue burdens on those needing short-term help due to an emergency, temporary disability or job loss. One commentator suggested that the Department consider establishing a monthly stipend program to help low-wage workers meet transportation and other work expenses. Commentators maintained that for an individual who has lost a job but has a considerable work history, WPP is not advisable and may interfere with finding a job; for this individual, job search may be the best course of action. Similarly, they said that an individual involved in an auto accident may not need MPP; some individuals do not need to address long-term employment barriers; they need only to overcome temporary problems, which short-term assistance may help rectify. Some commentators claimed that providing these benefits may avert family separation during short-term family crises. They say the Department should maximize the flexibility it has to address these temporary problems by providing, or acknowledging the possibility of offering, short-term cash benefits as nonassistance.

Response: The Department does not agree that offering short-term (up to 4 months) cash benefits as nonassistance is the best resolution for those facing unexpected, temporary crises such as sudden unemployment, homelessness or other emergencies. The Department's

nonassistance benefits do not include cash benefits permitted under Federal law under limited circumstances for a maximum of 4 months. Instead, these individuals, if otherwise eligible, may receive cash assistance under the TANF program for 60 months, then cash assistance under the Extended TANF program after 60 months. The Extended TANF program provides cash assistance to eligible individuals whether they need short-term or long-term help to get back on track.

As commentators noted, individuals facing short-term crises may not need MPP or WPP. The Department agrees that some of these individuals do not need to address long-term employment barriers and may have temporary good cause situations; many of these good cause situations have straightforward solutions. For these individuals, the Department added § 141.56 to temporarily defer referral to MPP or WPP for certain individuals. For example, the Department agrees that an individual whose good cause situation involves temporary injuries from an automobile accident may not require MPP referral. In that case, the individual may be referred to MPP if he continues to qualify under § 141.54 after the redetermination under § 141.56(b).

For individuals who have lost a job and who have considerable work history, the Department agrees that job search may be the best course of action. However, those who have lost a job are required to participate in WPP unless they establish good cause or verify an exemption. Work activities plus job search would be prescribed for these individuals. The "plus" portion of the WPP is designed to address the individual's needs, which may involve job search.

As revised, the regulations maximize the Department's flexibility in addressing these temporary problems in a way that nonassistance benefits would not. WPP offers a broad array of activities and services (for example, work activities, literacy training, ESL classes, job and life skills training, vocational assessments and job search). In addition, those eligible under § 141.56 may receive supportive services such as transportation and child care to support their efforts to become employable. Contrary to one commentator's suggestion, a separate "monthly stipend" program for these individuals is unnecessary and would duplicate benefits available under the TANF and Extended TANF programs. Before and after 60 months of TANF assistance, these and other individuals may receive cash assistance, if otherwise eligible. Because the Department recognizes that those requiring short-term help may need short-term solutions, the regulations do not "create or fail to correct undue burdens" on these individuals; indeed, the purpose of the regulations is to help lift those burdens.

Finally, the Department disagrees that providing nonassistance cash benefits in lieu of TANF or Extended TANF would help avert family separation during short-term family crises. These regulations provide necessary supportive services and cash assistance for eligible individuals and their families who need help in addressing their barriers to self-sufficiency.

9. Specificity/clarity of regulations regarding WCA, MPP and WPP. (§§ 141.51(a)(2), 141.52)

Comment: Commentators claimed the regulations are too general regarding WCA, MPP and WPP, seem inconsistent, and do not indicate how these will work. Some commentators argued that the WCA and WPP are not clearly defined. They suggested that the Department's standards for assessing disabilities and other barriers and

determining exemptions are unclear and lack standards and sufficient procedural safeguards to protect clients' rights. They also claimed the regulations do not contain substantive provisions addressing the eligibility requirements for these programs and how they will be implemented. One commentator asked the Department to explain the meanings of "functional limitations" and "good cause situations" and questioned how a physician or psychologist gets Department approval. Commentators contended that the regulations do not explain how MPP and WPP will promote self-sufficiency, and what support services will be available to recipients in MPP and WPP (such as child care subsidies and transportation) to enable them to meet work requirements and participate in activities such as mental health services and drug and alcohol counseling and treatment. They noted that these activities are often very time-consuming and require child care for recipients participating in them. One commentator said that the regulations are unclear as to whether MPP through Extended TANF will be the same version of MPP offered through the Time-Out program.

One commentator stated that the individuals who will be required to obtain a WCA are not exempt from RESET. Another commentator expressed concern that "there is no provision for the type of job, training or hiring." In addition, one commentator questioned whether mothers exempt due to caring for a child under 12 months will be channeled into MPP or WPP; the commentator suggests that the regulations be revised to clarify this. This commentator suggested that these mothers be eligible to participate in MPP. Some questioned whether young mothers and pregnant women will be able to participate in MPP, and suggested that MPP requirements be adapted to fit the needs of these women. One commentator said that the regulations have no standard for exemption from MPP when appropriate.

One commentator said that connecting severely disabled adults with Supplemental Security Disability Insurance/Supplemental Security Income (SSDI/SSI) should be an explicit goal of MPP and that standards for making such referrals should be addressed. The commentator also stated that the regulations should clarify what help individuals seeking SSDI/SSI will receive during the SSDI/SSI application process, and how they will be treated in the MPP program during the application and appeal processes. The commentator suggested that the Department adopt a provision that would encourage those with serious, permanent disability to apply for the appropriate program, with assistance where necessary from both MPP and Disability Advocacy Program. The commentator also claimed that the regulations do not address the possibility that the conditions that preclude the individual from working may not be remediable in the foreseeable future, and that some individuals or their children may be so sick, infirm or disabled that MPP participation is not possible. Further, the commentator said that while an SSDI/SSI application or appeal is pending, the recipient should be encouraged to seek treatment for his condition, but not required to participate in a work project, since working may be inconsistent with the disability application; on the other hand, an individual who wishes to engage in work activities or training should be given the opportunity to do so, despite disability.

Response: The Department has reorganized the regulations, created more sections and provided more details regarding WCA, MPP and WPP and the eligibility requirements. In response to the comment, the Department submits that it has clearly defined the WCA, MPP and

WPP. MPP for Extended TANF recipients is the same as MPP for individuals receiving Time-Out benefits. The distinction is that individuals who enrolled in MPP before implementation of this rulemaking had or are in the process of obtaining an MPP assessment. Individuals who enrolled in MPP before Extended TANF are grandfathered into MPP without a WCA. With the implementation of this rulemaking, individuals who enroll in MPP for the first time in Extended TANF will receive a WCA before the development of their individual MPP service plans.

Section 141.54 describes who is required to obtain a WCA, what is involved, the purpose and scope and the standards applied. The WCA will include an evaluation of existing documentation and consideration of available opinions of treating physicians. In conducting the WCA, physicians and psychologists will use accepted medical standards in assessing medical conditions and functional limitations. The WCA or MPP assessment will promote self-sufficiency by identifying medical conditions, functional limitations and good cause situations that may preclude or limit the adult's compliance with RESET. It will also identify the range of the adult's ability to engage in work and work-related activities. The findings and recommendations of the WCA will be provided to the MPP team. The MPP team is composed of professionals from various disciplines. The MPP team will use the information and recommendations from the WCA or MPP assessment to develop an individualized service plan.

With regard to the question concerning pregnant women and young mothers, if they otherwise qualify for MPP under § 141.54, they will be allowed to participate in MPP. In fact, they will be required to do so. In that event, their circumstances will be taken into account in developing the individualized MPP service plan. Although there is no standard for exemption from MPP, the MPP team will consider individual circumstances in formulating the MPP service plan.

A parent caring for a child under the age of 12 months, who has not exhausted the lifetime limit on exemption from RESET on that basis, will have referral to MPP or WPP deferred under § 141.56. That section also provides for referral to be deferred in other circumstances.

Examples of functional limitations are: inability to stand more than a certain number of hours, inability to lift more than a certain amount of weight and limits in range of motion. Examples of good cause situations include unavailability of transportation, the need for the adult to be in the home to care for an ill or disabled family member, and unavailability of child care. Additional examples of good cause can be found in § 165.52 (relating to good cause). Physicians and psychologists "approved by the Department" are those with whom the Department has a contract, directly or indirectly, or other agreement.

Individuals who are mandatory RESET participants will not have WCAs, as one commentator suggested, unless they have good cause for not participating in RESET. They cannot volunteer for MPP in lieu of meeting RESET participation requirements. Individuals in WPP will have a vocational assessment, not a WCA. The WPP is not limited to one type of work or training; it will offer a range of work, work activities and training. The WPP is designed to promote self-sufficiency by providing individuals with the combination of work experience and training that most research indicates is most productive and that is appropriate for the individual.

The Department agrees with the commentator's suggestion that connecting severely disabled adults with SSDI or SSI benefits is a goal of the Department. That goal is not limited to the MPP. Individuals are required to seek Federal benefits for which they potentially qualify. See section 432.21(a) of the code. The Department and its contractors assist individuals in the application for SSDI or SSI disability benefits through DAP. Protocols for referring individuals to DAP and providing them with assistance in the SSDI or SSI application and appeal process predate Extended TANF and have not been made part of this rulemaking.

The goal of Extended TANF is to engage individuals in work or approved work-related activities with reasonable accommodations as required. Towards that end, the MPP service plan is designed to increase an individual's movement towards self-sufficiency and will take into account varying individual circumstances such as illness or dependent family members. The Department recognizes there may be individuals whose personal or family conditions are not remediable in the foreseeable future; nevertheless, the goal is to engage those individuals in activities appropriate for their circumstances. The Department supports participation in work or approved work activities for SSI or SSDI applicants pending a decision on their eligibility for Federal benefits. The Department always encourages people to seek medical treatment pending award of SSDI/SSI benefits. An individual with an SSDI/SSI application or appeal pending is generally exempt from RESET.

The regulations provide procedural safeguards to individuals. An individual who disagrees with the findings or recommendations of the WCA can request a second opinion WCA under § 141.54(b)(4)(iii). In addition, any individual who receives notice from the CAO that the individual has failed to comply with any requirement of Extended TANF has appeal rights under Chapter 275.

The Department has added provisions for special allowances, now found in § 141.57. Special allowances for supportive services are available to individuals in WPP and other RESET programs and activities, and for programs and activities that are part of an individual's MPP service plan or domestic violence services plan.

10. WPP as "workfare" or other unpaid work.

Comment: Commentators claimed that WPP is akin to "workfare." They contend that recipients should not be required to "work off" their welfare checks. They suggested that WPP offer "real wages" (such as paid work experience (PWE)) so recipients can benefit from the Earned Income Tax Credit and Unemployment Compensation, and other benefits, and meaningful, nonmenial work opportunities that will help them gain skills and training. Some commentators suggested that the Department offer "real" employment and training options attached to the WCA and WPP. They claimed that this will give recipients a sense of control over their own destinies and career paths. They also suggested that the existing rapid attachment, retention and advancement program and work experience be available to individuals.

In addition, they argued that there will be no uniformity of work obligation, as the amount of unpaid work required will depend on the size of the welfare grant, which in turn depends on the size of the family and receipt of income from other sources that reduce the amount of the grant. They also asked whether the Department considers § 166.21 (relating to policy) (which they claimed uses antiquated procedures no longer appli-

cable) still in effect, although the regulation has not been updated. They suggested that WPP offer training, wages, and other benefits of a real job, as with PWE.

Response: The Department agrees with the suggestion that existing rapid attachment, retention and advancement programs should be available in the Extended TANF program, with respect to certain working individuals. These programs are designed to increase the earning capacity of individuals who are employed. Section 141.55(a)(3) provides that an adult who is employed 20-29 hours per week in unsubsidized employment and who can participate in at least 30 hours of work and work-related activities can qualify for Extended TANF by participating in a job retention and advancement program. Those individuals are not required to participate in WPP.

To the extent commentators suggested that the Department create employment for Extended TANF recipients, the Department does not agree with this recommendation. The code is clear that the Department is not required to develop or offer employment to assistance recipients. See section 405.3(d) of the code.

The Department disagrees with the commentators' characterization of the WPP as "workfare." WPP offers a range of paid and unpaid work, work-related activities and training. The goal of WPP, as with all employment and training programs, is to move people to self-sufficiency. Paid employment is preferred over community service or unpaid work. See section 405.1(a.2)(1) of the code. In addition, WPP focuses on enhancing recipients' skills and earning ability so they can become self-sufficient. The 30-hour requirement of the WPP may consist of a combination of paid and unpaid work and work-related activities such as literacy training, ESL classes, job and life skills training, vocational assessments and job search. Unpaid work that inures to the benefit of a third party, such as community service, is limited by the FLSA. Hours of unpaid work will be limited to the number of hours obtained by dividing the monthly assistance grant, less child support collected or any other reimbursement, by the minimum wage. This limit will vary with individual circumstances.

Finally, § 166.21 regarding to policies for the Community Work Experience Program and the Pennsylvania Employable Program, has been superseded by the RESET program. Provisions for the RESET Program are found in Chapter 165.

11. Impact of regulations on homeless individuals and women with major barriers to employment, and potentially overwhelming increased demand on other agencies.

Comment: Some commentators expressed concern about the impact of the regulations on homeless individuals and other women with major barriers to employment. They also expressed concern about the potentially overwhelming increased demand on other agencies to provide services if these individuals reach their welfare time limits and fall through the proposed safety net.

Response: The Department has added language to the regulations in §§ 141.54 and 141.56 to clarify that individuals with major barriers to employment, such as homelessness, if otherwise eligible, may receive Extended TANF.

It would be speculative for the Department to address the potential increased demands on other agencies; however, the Department believes that Extended TANF may result in some diminished demand on other agencies.

12. Monitoring efforts.

Comment: One commentator challenged the Department to be vigilant in monitoring: (1) how families are notified about Extended TANF; (2) how many families take advantage of Extended TANF; and (3) whether families encounter barriers with the more stringent work requirements standards of Extended TANF, and thus are refused or voluntarily withdraw from Extended TANF.

Response: The Department will notify families of the benefits and eligibility requirements for Extended TANF in notices mailed to all potentially eligible recipients. Notices are automated and sent to recipients who have received 57 months of TANF benefits. The Department will monitor the number of notices that are sent and to whom. In addition to the "3 Months Left" notice, families are given "Road To Self-sufficiency" pocket folders that contain client information sheets on various topics including child care, child support, Time-Out, employment and Extended TANF. The pocket folders or relevant information sheets, or both, are given to families at application, reapplication, AMR completion or other contact.

Families eligible for Extended TANF will be assigned a unique program status code that will be used by the Department to monitor how many families are receiving Extended TANF benefits.

Cases are closed and applications are withdrawn for a variety of reasons. As with TANF in the first 5 years, the Department will be able to identify those Extended TANF cases that are closed because the recipient failed to comply with work requirements without good cause. Individuals who have good cause for not meeting the work requirements of Extended TANF are not subject to sanction, as provided in § 141.55(c). When an individual chooses to voluntarily withdraw an application or discontinue benefits, the Department cannot track the reason the individual made that choice.

13. Flexibility.

Comment: Commentators stressed the need for flexibility regarding Extended TANF. One commentator suggested that the regulations do not maximize the Department's flexibility to provide Extended TANF to individuals who may not need to participate in the WPP or MPP because their problems may be rectified by a job search or short-term recuperation period.

Response: The Department agrees with the commentators' statement that the regulations should allow flexibility in providing Extended TANF to eligible individuals who may not need to participate in the WPP or MPP because their problems may be rectified by a job search or short-term recuperation period. Section 141.55(a)(3) requires individuals who are working 20–29 hours per week to participate in a job retention and advancement program if they can participate in at least 30 hours of work and work-related activities.

Further, the Department added § 141.56 to temporarily defer referral to MPP, WPP or other employment and training program for certain individuals including those who establish good cause for not complying with RESET requirements. Under this section, individuals may be eligible for Extended TANF for up to 90 days before they are subject to a partial redetermination and possible referral to a program such as MPP or WPP. The 90-day deferral period provides the individual time to remediate a short-term barrier to employment so that an appropriate referral can be made, if necessary. At redetermination,

the CAO will review the good cause situation and either extend the deferral period for 90 additional days or make the appropriate referral.

14. Other TANF policies and future rulemaking.

Comment: One commentator suggested the full TANF program and policies, including future rulemaking concerning domestic violence and other TANF policies and programs should be incorporated as a single final-form regulation to allow comprehensive review of the program.

Response: The Department does not agree with the commentator's suggestion that the full TANF program, with all current TANF policies and future rulemaking concerning domestic violence, should be incorporated as a single, final-form regulation. Given the discrete nature of the Extended TANF rulemaking, the Department did not combine it with the rulemaking for the basic TANF program. The Department determined that the best course of action is to first implement the basic TANF rulemaking. The basic TANF program is the essential framework upon which the Department will build. The Extended TANF program is the first addition to that framework. As previously noted in the response to comment 3, the Department continues to work with advocates to expand the policies for domestic violence that go beyond what has been established in the basic TANF rulemaking as well as the Extended TANF program.

15. Need for clear statement in regulations that ALL clients are eligible for Extended TANF.

Comment: Commentators suggested that the regulations clearly state that all clients are eligible for Extended TANF. They expressed concern that some clients will be displaced or permanently terminated from the welfare rolls during the transition period from TANF to Extended TANF. Also, they suggested that the steps a client must follow to get Extended TANF must be clearly explained.

Response: The Department disagrees with the commentators' suggestion that the regulations should clearly state that all clients are eligible for Extended TANF. Instead, upon publication of this rulemaking, adults who have received 60 months of TANF will be required to comply with the eligibility requirements for Extended TANF to remain eligible. It is true that during the Extended TANF contingency period that began March 3, 2002 and continues until promulgation of Extended TANF regulations, clients who are otherwise eligible for TANF continue to receive cash assistance subject to the requirements of the TANF program. Following promulgation of these regulations, however, eligibility for Extended TANF will be determined on an individual basis at application and, for recipients, during a partial review of eligibility. At this review, the caseworker will explain the requirements of the Extended TANF program.

16. Miscellaneous procedural issues.

Comment: Commentators suggested that the Department "take its time" implementing Extended TANF and training its caseworkers regarding these benefits. They noted that recipients should be entitled to the full scope of appeal and fair hearing rights, and that the regulations reflect this. They also suggested that the "sanction review process"/compliance review process be utilized and referenced in the regulations, as well as provision for good cause. One commentator suggested that § 141.51(b) be revised to include references to the compliance review and good cause provisions. In addition, they urged the Department to continue the Community Connections initiative, which would help ensure smooth transition from

TANF to Extended TANF. They said these processes would help ensure that individuals are not inappropriately sanctioned.

Response: The Department agrees with the commentators' suggestion that development of Extended TANF merits time and attention and that training of staff is a critical component in the process. The Department is currently developing training and instructional materials regarding Extended TANF; once completed, training will be provided to all Department staff involved in the delivery of Extended TANF.

The Department also agrees with the commentators' suggestion that recipients are entitled to the full scope of appeal and fair hearing rights; § 141.58 clarifies that an individual has the right to appeal and a fair hearing under Chapter 275. The Department has also added cross-references to the compliance review and good cause sections of the basic TANF regulations in § 141.55(c). Both the good cause provisions of § 165.52 and the compliance review procedures under § 165.51 equally apply to Extended TANF.

The Department appreciates the commentators' observation that the Community Connections Initiative (CCI) has been beneficial to TANF recipients. The Department has reauthorized the CCI grants for fiscal year 2002-2003 to continue providing recipients with additional support in their movement toward self-sufficiency.

17. Unidentified barriers to employment.

Comment: Commentators expressed concern that some recipients will be ineligible or sanctioned if the WCA (or vocational assessment) does not identify a barrier to employment for 30 hours per week.

Response: The WCA and vocational assessment are designed to be diagnostic tools and are not intended to be entrance requirements to the Extended TANF program. Even if the WCA or vocational assessment does not identify a barrier to employment, an individual who cannot comply with the 30-hour requirement may establish good cause for noncompliance.

18. Adequacy and funding of MPP.

Comment: Commentators questioned whether MPP will offer a sufficient number of slots for willing individuals. They suggested that the Department commit to adequately fund MPP to maximize its potential to diagnose, rehabilitate and educate recipients who can work, and find appropriate long-term support or programs for those who cannot work.

Response: The Department agrees with the commentators' statement that MPP is an important program and adequate funding maximizes its potential. The Department plans to provide a sufficient number of MPP slots given the availability of funds.

19. Benefits for working individuals.

Comment: One commentator suggested that working TANF recipients should be eligible for Extended TANF. One commentator suggested that allowances be made for heads of households who have been working all along but whose family size is such that they continue to require assistance. Another commentator said that the regulations do not adequately address the needs of families who are working, but due to low wages, large family size or limited available work hours, require ongoing cash assistance to meet their family's basic needs. The commentator suggested that these individuals work in existing Job Retention, Advancement and Rapid Re-Employment

(JRARRE) to get needed help to move up the job ladder, and not be required to perform community service for no wages to maintain their TANF supplement. The commentator also suggested that it is in everyone's interest to assist these Extended TANF participants to use their time to pursue educational and training opportunities that will enhance their employability.

Response: The Department agrees that working TANF recipients should be eligible to receive TANF. The Department also agrees that needy working individuals who have large families or low earnings in relation to family size should be able to qualify for Extended TANF. Section 141.55(a)(1) provides that individuals who are working 30 or more hours per week may be eligible for Extended TANF with no additional work or work activity required. Further, § 141.55(a)(3) provides that individuals working 20 to 29 hours per week, if they can participate in at least 30 hours of work and work-related activities, are referred to a job retention and advancement program to advance their job skills and increase their hours and earnings. Other provisions relevant to mandatory RESET participants are set forth in § 141.55.

The Department also agrees with the commentators' suggestion that individuals in Extended TANF who are working should be assisted in pursuing education and training opportunities that will enhance their employability. Individuals in Extended TANF who are working more than 30 hours per week may volunteer to participate in education and training activities. These activities may be supported with special allowances, as specified in § 141.57. Individuals who are working 20 to 29 hours per week will participate in a job retention and advancement program designed to enhance their earning capacity.

20. Grievance procedure.

Comment: One commentator suggested that the regulations establish a grievance procedure for workers alleging displacement by welfare recipients. The commentator noted that Federal law requires such a procedure. They claimed that a grievance mechanism is especially important if work requirements are increased and workfare is instituted or expanded.

Response: The Department disagrees that a grievance procedure must be set forth in the regulations. Instead, the Department requires its employment and training contractors to develop a Work Site Agreement, which requires an assurance that the work site will not displace its regular workforce with welfare recipients. Displacement includes loss of employment and reduction of overtime, wages or benefits. Further, the work site may not substitute work experience participants for individuals on layoff from the same or substantially equivalent positions. Individuals alleging displacement by a welfare recipient may contact the Department's Bureau of Employment and Training Programs.

21. Work requirement as a condition of eligibility.

Comment: One commentator said that the work requirement should not be stated as a condition of eligibility. The commentator asked the Department to state the specific statutory authority for stating the work requirement as a condition of eligibility.

Response: Although the 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 a loss of benefits. 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 with the commentator that a review of eligibility is all that is required. Section 141.55 is consistent with sections 405.1(a.2)(6) and 432.3(a) of the code. Under these provisions, an individual who has received assistance for 24 months and is not exempt from RESET must participate for an average of at least 20 hours per week in one or more of the activities enumerated in that paragraph; if he willfully fails to do so, without good cause, he is ineligible for cash assistance under section 432.3(a) of the code (regarding to durational sanctions).

22. Redetermining eligibility.

Comment: One commentator stated that the subtitle of Chapter 133 (relating to redetermining eligibility) does not include Extended TANF, and suggested that it be revised as follows: "REDETERMINING ELIGIBILITY PROVISION FOR TANF, EXTENDED TANF AND GA." The commentator also said that it is unclear what a "complete redetermination" is, and whether this applies to recipients who have recently gone through a redetermination for another reason.

Response: The Department agrees with the commentator's suggestion and has revised the subtitle accordingly. In response to the question regarding what is meant by a complete redetermination, § 133.23(a)(1)(i) provides that a complete redetermination is a comprehensive review of eligibility factors that are subject to change, such as income, household composition, resources and employability status. A complete redetermination generally requires a face-to-face interview.

The Department has reevaluated its decision to require a complete redetermination of eligibility and has determined that a partial review of eligibility is sufficient. Section 133.23(b) has been revised to reflect this decision. The partial redetermination will focus on factors specific to the Extended TANF program, even if the recipient recently had a redetermination for another reason.

23. Definitions. (§ 141.52)

Comment: One commentator stated that program requirements, to be enforceable, must be placed in the body of the regulation, not described in definitions. For example, the commentator said that the definition of "WCA" contains substantive language; therefore, subparagraphs (i)—(iv) should be moved to § 141.51. The commentator also advised that the definitions section be relocated to precede the provisions where the terms appear. Further, the commentator suggested that the scope of the definitions in § 141.52 should apply to all relevant chapters or sections, not just §§ 141.52 and 141.41. Also, the commentator said that the definition of "adult" in § 141.52 is confusing and should be rewritten, perhaps by splitting the definition into two paragraphs: (i) for an individual 19 years of age or older, and (ii) for an individual 18 years of age who is not a full-time student in secondary school, vocational training or technical school. Finally, the commentator stated that the phrase "within the constraints of available funds" does not belong in the definition of RESET, and should be moved to a provision establishing the parameters and requirements for RESET. The commentator reasoned that because funding availability directly impacts on eligibility requirements for the program and the services offered, it is a substantive provision, which is not enforceable where it is located.

Response: The Department agrees with the commentator's suggestion that program requirements should appear in the body of the regulations, rather than be described in definitions. Therefore, the Department has relocated and

reorganized substantive requirements for Extended TANF so that all substantive requirements are in the body of the regulations. For example, revised substantive requirements for the WCA now appear in § 141.54. The Department also revised the definition of RESET by simply cross referencing the definition of "RESET" set forth in § 165.2. In addition, the Department agrees that the definitions should precede the provisions where the terms appear. As revised, the definitions in § 141.52 precede the substantive provisions (§§ 141.53—141.57) where the terms appear.

The Department also agrees that the scope of the definitions in § 141.52 should apply to relevant chapters and sections. The Department has revised § 141.52 to state that "[t]he following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise . . ." In addition, the Department has revised § 133.23 by including a cross-reference to the definition of Extended TANF in § 141.52. Finally, the Department does not agree that the definition of "adult" should be revised. The definition of adult in § 141.52 is consistent with the definition of adult in § 151.42. That definition is particularly relevant to employment and training programs. That definition is designed to distinguish between 18 year olds who are and those who are not subject to work requirements.

24. Potential sources of income. (§§ 141.21(n)(1)(iii), 183.13, 183.13(c)(3))

Comment: One commentator noted that § 183.13(c)(3) (relating to potential sources) excludes the applicant's family from eligibility until the applicant complies, while the identical requirement in § 141.21(n)(1)(iii) excludes both the applicant and the applicant's family from eligibility. The commentator questioned whether § 183.13(c)(3) should also exclude the applicant from eligibility.

Response: In response to the commentator's question whether § 183.13(c)(3) should exclude the applicant from eligibility, the answer is yes. Section 183.13(c)(3) has been revised accordingly.

25. WCA procedures and protections. (§§ 141.51(a)(2) and 141.52)

Comment: One commentator claimed that the WCA fails to include procedural protections; the commentator also said the regulations do not include protections for families with disabled family members. The commentator recommended that the regulations should require that the examining physician must have particular expertise in functional or vocational limitations. The commentator also expressed concern that the regulations do not require that the examining physician must have expertise in the appropriate specialty (for example, psychiatrist for recipients with mental disorders). Moreover, the commentator questioned the role of the WCA examiner vis-a-vis the recipient's primary care physician who verified disability with an Employability Assessment Form. Even if the appropriate physician is obtained, the commentator asked whether that physician, recipient or representative will be authorized to request further testing, under what circumstances, to whom the requests are made and how quickly they must do so. The commentator asked why the Department is silent in the regulations on the role of the treating physician, in contrast with the Social Security Administration, which relies heavily on treating sources, and affords the evidence of the sources great weight.

In addition, the commentator questioned why the regulations state that "[t]he WCA will always include an

evaluation of existing documentation of the good cause situation." The commentator said that this raises several questions: (1) is this a drafting error or is existing documentation relevant only in good cause cases? Disability is typically the basis for an exemption, not a good cause situation; (2) what does "existing" documentation mean? Does it mean that only information already in the file will be considered, or does it mean that any documents that exist anywhere will be obtained and reviewed? If it is the latter, who will obtain the documents? The commentator stated that it would be inappropriate to require those suffering from mental illness, which they estimate to be at least 28% of the exempt population, to gather the information. The commentator suggested that these matters be clarified in the regulations.

The commentator also questioned why the regulations are silent about a recipient's right to voice disagreement with the WCA decision and request a second opinion, the procedures for doing so and what is to be done when a second opinion is obtained. The commentator asked which opinion controls when the first and second opinions conflict, and whether the only way to challenge a first opinion is with a second opinion.

The commentator suggested that the regulations clarify how to resolve disputes, which evaluation and opinion controls, and whether the recipient may challenge the first and second opinions and have the treating physician offer an opinion (although not retained as part of the WCA). In addition, the commentator asked the Department to clarify what happens if the WCA physician decides that the answer for a recipient's back problem is physical therapy, but the treating physician thinks that would be too dangerous because of the recipient's heart condition. The commentator also asked what happens if the Medicaid HMO refuses to pay for the treatment, or the treating physician will not request it—who then decides? Is the question referred to the MPP team, which does not appear to have medical expertise at its disposal?

Response: The Department disagrees with the commentator's concern that the WCA does not include procedural protections. Instead, the Department submits that the WCA does include appropriate procedural protections described in § 141.54. These protections include the opportunity to request a second opinion WCA and provide information from the individual's treating physician. The Department will contract with an independent medical services provider to conduct ongoing random reviews of the WCA summary results, described under Paperwork Requirements in this Preamble.

The Department agrees with the commentator's suggestion that protections for families with disabled family members should be included in the regulations. Therefore, the Department has added a new provision clarifying that families with disabled members may be eligible for Extended TANF under §§ 141.54 and 141.56.

The Department agrees that the examining physicians should have relevant expertise in the appropriate specialty. The Department disagrees that this should be specified in the regulations. In its contracts, the Department already requires providers to recruit and maintain qualified physicians and psychologists in the appropriate specialties and geographical areas to meet the demand for WCAs.

In response to the commentator's question regarding the role of the WCA examiner vis-a-vis the recipient's primary care physician and the weighting of the evidence, there is no weighting of the evidence. During the WCA,

all records are given equal consideration, unless there is a clear delineation of training, certification and expertise between the treating physician and specialist. The only way to challenge the results of the first WCA is to request a second WCA.

In answer to the commentator's question about whether the treating physician or recipient may request further testing, the answer is yes, but not as part of the WCA. The results of any additional testing may be provided during the WCA or, if requested, during the second WCA. However, with respect to the recipient's representative requesting further testing, the answer is no.

In response to the commentator's question whether the evaluation of existing documentation is relevant only in good cause cases, the answer is no. The WCA will include an evaluation of existing documentation for medical conditions and functional limitations, as specified in § 141.54(b)(3)(i)(B).

With respect to the commentator's questions concerning the definition of "existing" documentation, existing documentation refers to any information that would be relevant to making a determination of the extent of an individual's medical condition, functional limitation or good cause situation. With regard to who will obtain the documents, documentation shall be obtained by the individual and provided to the provider during the WCA process. When necessary, the Department or its agent will assist the individual in obtaining existing documentation, as specified in § 141.54(b)(3)(iii)(A).

The Department agrees with the commentator that regulations should include provisions for a second opinion WCA for individuals who disagree with the findings of the WCA as set forth in the MPP service plan. Therefore, § 141.54(b)(4)(iii) provides for a second opinion WCA. The MPP team, in consultation with the individual, will develop an MPP service plan based on information contained in one or both sets of the WCA findings and recommendations.

In answer to the commentator's question regarding the resolution of conflicting WCA opinions, the Department responds as follows: When reviewing the results of conflicting WCAs, it may become apparent that one opinion is based on additional or more relevant information. If this is the case, the MPP team will consider the additional information, when developing the MPP service plan.

Other factors the MPP team may consider depending on the individual circumstances will include the extent to which the WCAs agree with the recommendations of the treating physician, the degree to which the WCAs are congruent with the nonclinical findings of the MPP team and the ability of the medical services agency to resolve the conflict through its quality control process. The Department notes that, in any case, the WCAs serve to inform the MPP team's development of the MPP service plan but are not determinative of the outcome of the MPP process.

In response to the suggestion that the regulations clarify procedures regarding disputes between the WCA and the treating physician and the resolution of HMO denials of payment for recommended services, the Department disagrees that the specifics of these procedures must be regulated. If the WCA physician recommends a treatment with which the treating physician disagrees, the following procedures apply: When the MPP team receives the WCA results, it will contact the Managed Care Organization's (MCO) Special Needs Coordinator.

The MCO Coordinator will contact the individual's Primary Care Physician (PCP) to discuss the results and recommendations to assure that the PCP has all the information necessary regarding the WCA results and recommendations. If necessary, the MCO Coordinator will obtain further clarification and provide it to the PCP to support the WCA recommendation. The PCP can recommend that the individual request a second WCA and submit additional documentation supporting its finding during the second WCA.

If the recommendations are beyond the PCP's area of expertise, the MCO Coordinator will intervene to assist the individual in obtaining the necessary expert. For example, if the PCP is a general practitioner and the barrier being addressed is a mental health barrier, the MCO Coordinator will facilitate an evaluation by a mental health provider. When the MCO refuses to cover the services identified as necessary medical services by the MPP team, the MPP team will encourage the individual to appeal. During the MCO appeal period, the services will be provided.

For individuals who are covered under the Fee for Service health care plan, the same process applies, except that the MPP coordinator will work with the designated contact person in the Department's Office of Medical Assistance Programs rather than the MCO Coordinator.

With regard to the concern that the Department has not included in the regulations all the procedures related to the MPP program and the WCA, the Department has regulated many components of MPP and the WCA, as previously identified. They include:

- The opportunity to request a second WCA.
- The opportunity to present information from the treating physician.
- The evaluation of existing documentation regarding medical conditions and functional limitations.
- The clarification of who has responsibility for obtaining documentation.

The Department will not regulate terms of the contract or procedures used by the medical service agency nor will the Department regulate internal procedures applicable to CAO staff.

26. WCA standard for determining medical condition, functional limitation or good cause situation that precludes the individual from meeting work requirements. (§§ 141.51(a)(2), 141.52)

Comment: One commentator expressed concern that the process the Department has chosen for determining an individual's ability to meet work requirements is potentially more adversarial than the current process for verifying exemptions from work requirements. The commentator contended that the standard for determining disability, as stated in the definition of "WCA" (see § 141.52(i) and (ii)) is: (1) unintelligible; (2) based on the *Guides to the Evaluation of Permanent Impairment* (Guides), which deals only with permanent impairments; temporary disability must also be addressed; (3) the Guides, as stated on page 9 of the Guides, is not intended to be used for direct estimates of work disability; and (4) does not specify at what level a recipient is considered unable to work. The commentator argued that the Department's intended practice of leaving the decision of disability to the companies that successfully bid on the WCA contract, using the criteria in the Guides, is an unacceptable delegation of executive power to private entities that have no mechanism for public input. The

commentator also stated that because the standard of disability affects who goes to MPP, who must comply with WPP, and who would be sanctioned for failure to comply, the standard that is used will have serious implications for those being evaluated. The commentator expressed concern that individuals whose level of disability falls below a benchmark would be required to work 30 hours per week. The commentator suggested that the Department adopt a clear-cut standard of temporary and permanent disability, using a rating of 50% or greater as a benchmark.

Response: The Department disagrees with the commentator's assertion that the process for determining an individual's ability to meet work requirements is potentially more adversarial than the current process for verifying exemptions from work requirements. Under TANF rules, the individual's treating physician initially determines the individual's exemption from RESET under § 165.22(b)(1). Under Extended TANF, the WCA is an objective evaluation of an individual's impairment, if any, and the impact of that impairment on the ability to work. It is not intended to be an adversarial process. Instead, it is designed to provide a fresh, independent evaluation of medical conditions, functional limitations and good cause situations that may preclude or limit the individual's ability to work.

The Department also disagrees with the commentator's criticism regarding the appropriateness of using the Guides to determine a temporary disability. In fact, the Guides is appropriate to the evaluation of temporary disabilities. In conducting the WCA, the Guides is the tool physicians and psychologists will use to perform the WCA to evaluate the severity of impairments. The Guides is not intended to be used in a rigid, mechanical manner. Meaningful use of the Guides requires a great deal of professional judgment and consideration of nonmedical factors that may affect permanent or temporary impairment. The Guides provides objective standards for evaluating the nature and extent of impairments. Using the Guides, the evaluating physician or psychologist will consider whether an impairment is likely to be permanent despite treatment. The physician or psychologist also will evaluate whether the impairment may improve with medical treatment. Although the Guides enables medical professionals to evaluate impairments objectively, it is merely a tool. As the Guides itself explains, it cannot provide complete and definitive answers regarding employability. "The impairment evaluation . . . is only one aspect of disability determination. A disability determination also includes information about the individual's skills, education, job history, adaptability, age, and environment requirements and modifications (footnote omitted). Assessing these factors can provide a more realistic picture of the effects of the impairment on the ability to perform complex work and social activities." Guides, 5th ed. at 8.

To arrive at the recommendations in the WCA, physicians and psychologists will use their clinical expertise to consider each individual on a case-by-case basis. The WCA provides additional objective data to be considered in combination with other available information and is considered by the MPP team during the development of the MPP service plan. Verifying the presence and severity of an impairment is but one component taken into consideration by the MPP team for the development of an MPP service plan. Because the WCA informs, rather than controls, the MPP team in developing the MPP service plan, the Department finds that the Guides provides a

legitimate and useful point of reference in the evaluation of temporary and permanent impairments.

The Department emphasizes that the final-form rulemaking reflects a substantial revision from proposed rulemaking. Those revisions include provisions in § 141.56 to defer referral to MPP for certain caretakers and persons with good cause for not meeting RESET participation requirements. Not all individuals with a temporary condition that precludes employment will be referred directly to MPP. An individual who is not exempt from RESET but has a temporary condition that precludes employment may establish good cause and have referral to MPP deferred under § 141.56(a)(2). For example, a person whose job requires standing for prolonged periods may have good cause for not working if he has a broken leg. The CAO will re-evaluate the individual's deferral after 90 days or when circumstances change. Consequently, under the final-form regulations, an individual with a short-term condition might never be referred to MPP.

As to the commentator's assertion that using the criteria in the Guides is an unacceptable delegation of executive power, the Department disagrees. The Department has not delegated the authority to determine eligibility for Extended TANF to medical service providers conducting WCAs. Rather, the Department has contracted with medical experts to perform just the WCA. Although this assessment is important in developing an individual's MPP service plan, it is not determinative of eligibility for Extended TANF. The CAO determines whether an individual qualifies for Extended TANF.

The Department agrees with the commentator's assessment that the Guides is not intended to be used for direct estimates of work disability. Determination of disability is a result of consideration of numerous factors, as previously discussed. The physician's or psychologist's evaluation using the Guides is just one of those factors.

Finally, the Department disagrees with the commentator's recommendation that the Department adopt a 50% standard to determine disability. The Department finds that such a bright-line classification is less favorable to clients served in the MPP program. The result of the WCA will be used by the MPP team to develop an individualized service plan that is not dependent solely on impairment percentages.

27. Procedures for families with disabled family members. (§§ 141.51(a)(2))

Comment: One commentator claimed that the regulations have no mechanism for evaluating and assisting families with a member who is severely disabled. For example, the commentator cited the example of a child who is severely mentally retarded and cannot be left alone because of numerous medical, educational, behavioral and child care problems involved. The commentator complained that the WCA, as written, is not designed to evaluate and assist in such situations. Moreover, the commentator explained that neither a physician nor a psychologist performing the WCA will necessarily be steeped in the availability of child care for a disabled child, and that the extent of physician input in these cases is unclear; if physician input is sought, the regulations do not clarify who is to decide and based upon what standard. The commentator noted that the regulations state only that the WCA may or may not require examination of the client; the regulations say nothing about examination of a child or other disabled family member. In addition, the commentator suggested that the regula-

tions are unclear regarding evaluation of social factors and good cause situations and whether the physician's evaluation of the situation is followed by one conducted by welfare personnel, especially if the evidence given is not medical or psychological in nature. The commentator argued that physicians and psychologists do not have any special expertise in vocational or even functional evaluations.

Response: The Department disagrees with the commentator's claim that the regulations have no mechanism for evaluating and assisting families with a member who is severely disabled. In the proposed regulations, individuals in this circumstance would have been eligible under § 141.51(a)(2)(i). The final-form rulemaking provide that individuals with a disabled family member may be eligible to receive Extended TANF under § 141.56. After 90 days, the individual's situation will be reviewed. If the situation continues to preclude employment or participation with RESET, the individual may be referred to MPP as specified in § 141.56(c)(1). While in MPP, the individual will be required to cooperate with the WCA, but the disabled family member is not subject to a medical examination. The WCA and the MPP team will consider available medical records and other documentation of this disabled family member. The WCA will provide the MPP team with summary results and recommendations for the individual based on the documentation provided by the CAO and the individual. The MPP team, including vocational and behavioral rehabilitation specialists, in consultation with the client, will develop the MPP service plan to help the individual who is caring for a disabled family member address this barrier. The MPP team, based on knowledge of available child and adult day care and other community resources, will explore these options in developing the MPP service plan.

28. Procedures for those with other (not involving disability) employment barriers. (§§ 141.51(a)(2), 141.52)

Comment: One commentator claimed that the procedures are deficient for persons with other barriers to employment; for example, a barrier not involving disability. For example, the commentator contended that the regulations, read literally, require an individual exempt from WPP with a barrier to employment such as lack of child care for child under age 6 (proposed § 141.51(a)(2)(i)(B)) must cooperate with a WCA under § 141.51(a)(2)(ii). The commentator argued that this does not comport with the Department's alleged statement to the commentator that the Department does not intend to use physicians for such determinations, but the regulations do not state when physicians will and will not be used. The commentator argued that, read literally, the regulations indicate that physicians are to be used in all cases and charged with making all final decisions. Likewise, the commentator claimed that it is unclear whether a physician or psychologist will evaluate multiple barriers to employment and their combined effect. They questioned if MPP will have the resources and regulatory authority to offer remedies that address these needs.

Response: The procedures set forth in the final-form regulations for persons with other barriers to employment are sufficient. For example, § 141.54(c)(3)(i)(C) specifies that an examination of an individual with good cause will be required only when it is necessary and relevant to the determination of the good cause situation. The MPP team, which may include vocational and behavioral rehabilitation specialists, will consider the results of the WCA in developing the MPP service plan.

Physicians and psychologists will evaluate multiple barriers to employment and their combined effect. Regarding regulatory authority and funding for MPP, the Department considers MPP a high priority; therefore, the Department has made sufficient provision for anticipated need for MPP in State Fiscal Year 2002—2003. To the extent that funding for MPP is available, the Department expects that MPP will continue to be a high priority. This rulemaking illustrates that MPP is an important component of Extended TANF. Section 141.54 authorizes the MPP team to develop service plans intended to address the needs of MPP participants.

29. *Vocational assessments.* (§ 141.52)

Comment: One commentator suggested that the regulations are unclear regarding vocational assessments for those assigned to WPP. Although the commentator supported the idea of an assessment prior to work assignment, the definitions of assessment and the WPP were criticized as lacking. For example, the commentator said the regulations are silent as to who will perform the assessment and how the recipient's input will be obtained, despite the express command of the Legislature, see section 405.1(a.2)(4) of the code, to involve the recipient in the process of assessment. The commentator also said that assessment is a complex task that should involve measuring literacy or numeracy and other factors for which the regulations do not provide. Further, the commentator submitted that the regulations do not state how any of the factors mentioned will be measured, including mental and physical disabilities, even though the ADA requires consideration of disability. The commentator maintained that even if a person is not fully disabled so as to preclude all employment, the ADA and good public policy require assessment of known disabilities that may affect an individual's ability to perform particular work, health and safety and the need for reasonable accommodation. Finally, the commentator suggested that the assessments be reduced to written form so they can be reviewed, corrected or augmented by recipients.

Response: The vocational assessment is defined at § 141.52 and addresses the factors enumerated by the commentator. The individual participates in the vocational assessment performed by an employment and training contractor, as specified in § 141.55(b)(1). The Department intends to contract with the Work Force Investment Areas to implement WPP. The contractors will perform vocational assessments based on industry standards. Industry standards include protocols grouped into two broad classifications: testing and workplace assessment. Testing measures literacy and numeracy skills, interests and vocational aptitudes as well as other skills. Workplace assessment consists of observation of the individual in a real-world work environment to address issues like punctuality, adherence to work rules, interaction with supervisors and co-workers, communications skills and others. The results of the vocational assessment are evaluated in light of the needs of the local labor market.

Section 141.55(b)(4) provides for reasonable accommodations of program rules and requirements to be made in accordance with the ADA. With respect to the commentator's concern that the results of the assessment be reduced to written form, the contractor will review the results of the assessment with the individual and provide written copies of each of the various assessments upon request.

30. *Design of WPP.* (§ 141.52)

Comment: One commentator claimed that the regulations say virtually nothing about the design and operation of WPP; for example, what work sites will be available, how the 30 hours of work and work activity will be structured, the level of participation ultimately selected and whether the recipient selects the activity or is assigned to existing activities or a prepackaged program. The commentator urged the Department to design WPP to address individual barriers in close consultation with recipients so that individual needs and limitations are accommodated and addressed. The commentator contended that nothing in the regulations speaks to choosing the mix of work and work-related activities that will comprise the WPP assignment, nor did the regulation address how a recipient may have input or voice disagreement regarding proposed activities.

In addition, the commentator suggested that the Department offer existing work opportunity programs such as work experience as part of WPP; the commentator also objected to the Department's unpromulgated policy to limit work experience to 6 months in an individual's lifetime, and argued this policy is inflexible, unwise, legally unauthorized, illegal and relegates all recipients to a costly and ineffectual workfare option.

Another concern the commentator expressed is that finding and scheduling WPP activities should be done in a way that does not interfere with a recipient's current employment, and this should be the highest priority. The commentator suggested that those with existing employment should be in a separate program, given that their needs and time constraints are so different from those of other recipients. According to the commentator, those recipients need a program to give them the skills and support to continue to make progress, not one to give them an intensive work experience. The commentator also suggested that the Department address the interplay between JRARRE and Extended TANF to avoid confusion and conflicting obligations, especially since the Department generally precludes participation in more than one welfare program at the same time.

Response: The Department expects that § 141.55 in the final-form rulemaking will satisfy the commentator's concern that the regulations are too vague regarding WPP. Section 141.55 specifies the requirements for mandatory RESET participants and for WPP. For example, individuals employed in unsubsidized employment 30 or more hours per week may receive Extended TANF without any additional work or work-related activity requirements as specified in § 141.55(a)(1). Individuals participating in an employment and training program approved on an AMR while the individual was receiving TANF may continue that program, as specified in § 141.55(a)(2).

WPP is not limited to one type of work or training; it will offer a range of work, work-related activities and training. WPP is intended to promote self-sufficiency by providing individuals with the combination of work experience and training that most research indicates is most productive. The activities available in WPP may include work experience. However, the Department did not adopt the commentator's suggestion to extend work experience beyond 6 months in the person's lifetime. The Department interprets section 402 of the code as limiting work experience to 6 months in the person's lifetime, unless ADA accommodations are needed. Accordingly, § 165.31(b)(7) and (8) and (c)(3) (relating to RESET participation requirements) reflect this interpretation. The Department's interpretation is neither unwise or

illegal, nor does it relegate recipients to workfare. At the end of the 6-month period, other work and work-related activities are available.

The nature and extent of an individual's work and work-related activities depends on his needs, abilities, limitations and available work sites. Consequently, the Department cannot specify the nature and extent of these varying activities and work sites in these regulations.

An individual's input regarding the activities in WPP will always be considered but is not dispositive. As specified in § 141.58, an individual may appeal the denial or termination of Extended TANF under Chapter 275.

In response to the commentator's concern that finding and scheduling WPP activities should be done in a way that does not interfere with a recipient's current employment, the Department agrees. WPP work or work-related activities are scheduled to not interfere with an individual's unsubsidized work hours. Before and after 60 months of TANF, unsubsidized employment is preferred. Individuals who are working 20 to 29 hours, if they can participate in at least 30 hours of work and work-related activities, must maintain employment and participate in a job retention and advancement program, as specified in § 141.55(a)(3). Employed individuals who establish good cause for not participating in at least 30 hours of work and work-related activities, but can comply with RESET, must maintain employment and are referred to WPP to address the good cause situation, as specified in § 141.55(a)(6). Additional provisions for mandatory RESET participants are set forth in § 141.55.

Fiscal Impact

Commonwealth: The estimated cost in TANF Federal funds for 2002—2003 is \$7.577 million.

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

Private Sector: No private sector entity will incur any costs or realize any savings.

Paperwork Requirements

The following new forms were created for Extended TANF:

(WCA 1)—MPP Case Synopsis for Work Capacity Assessment Form—Provides narrative relating to recipient demographics and addresses hidden barriers and will include the MPP worker's observations. Used to compile information from the individual's CAO record and CIS screens and is provided to the WCA contractor as an introduction to the individual's TANF history.

(WCA 2)—Letter of Explanation and Request for Information Form—CAO letter provided to the individual's treating physician(s) explaining WCA and requesting the individual's medical records to be sent to the WCA contractor. This form also provides the treating physician(s) with the opportunity to become involved in the decision to authorize further diagnostic testing for the individual.

(WCA 3)—Professional Service Invoice for Photocopy Fees Form—Serves as an invoice for reimbursement for costs incurred with the photocopying of the individual's medical records by the treating physician(s).

(WCA 4)—Work Capacity Assessment Transmittal Form—Two-part form used to record information about the MPP client from the CAO case record and then provided to the WCA contractor as an introduction of the individual's case information. The WCA contractor uses

the form to document information and to capture information that will be data entered in the Automated Information Management System.

(WCA 5)—Work Capacity Assessment Summary Results Form—Completed by the WCA contractor upon completion of the WCA. The contractor submits to the MPP team the WCA summary results along with supporting documentation received from the individual's physician, results of the medical assessment and any other testing.

(PA 1724)—MPP Enrollment Form—Completed by the MPP Worker or MPP Case Manager for each individual enrolled in MPP.

(PA 1718)—MPP Medical and Social History Form—Completed in a private face-to-face interview between the MPP Worker or MPP Case Manager and the individual. Used to help identify possible barriers and is intended to help the MPP worker or MPP case manager, the MPP team and the individual in developing an appropriate Service Plan.

(PA 1725)—TANF Work Activity Summary Form—Used to help the MPP worker or MPP case manager identify factors that may have contributed to the individual's lack of progress toward self-sufficiency. The information obtained on the TANF Work Activity Summary Form will be combined with the information obtained from the Medical and Social History Form and other documentation to assist the MPP worker or MPP case manager and appropriate team member(s) in developing a plan that will help the individual move closer to self-sufficiency.

PA/CS 1747—Domestic Violence Verification Form—This form, revised and renamed the "Domestic Violence Verification Form," is used to verify domestic violence when an individual requests a waiver of program requirements (for example, child support, work and time limits) on that basis.

Effective Date

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

Sunset Date

Except for the sunset date specified in Chapter 281, there is no sunset date for the Extended TANF program. TANF regulations are reviewed through the Department's quality control and corrective action review process.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 2002, the Department submitted a copy of this final-form rulemaking to IRRC and to the Chairpersons of the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of the 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 September 3, 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 September 12, 2002, and approved the final-form regulations.

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 in 1 Pa. Code §§ 7.1 and 7.2.

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

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

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 133, 141, 183 and 187, are amended by amending §§ 133.23, 141.21, 141.61, 183.13 and 187.27; and by adding §§ 141.51—141.58 to read as set forth in Annex A, with the ellipses referring to the existing text of the regulations. (*Editor's Note:* This publication does not include conforming amendments to 55 Pa. Code that were previously published in the Department's final-form rulemaking for the TANF Program which appeared at 32 Pa.B. 4435 (September 14, 2002). Also, the following sections, amended in this document, were not included in the proposal at 32 Pa.B. 431: §§ 141.53—141.58 and 187.27.)

(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 this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*. Section 141.61(a)(1) is effective March 3, 1997, and § 141.61(c) is effective September 14, 2002.

FEATHER O. HOUSTOUN,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 4788 (September 28, 2002).)

Fiscal Note: Fiscal Note 14-474 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart B. INTAKE AND REDETERMINATION

CHAPTER 133. REDETERMINING ELIGIBILITY

REDETERMINING ELIGIBILITY PROVISIONS FOR TANF, EXTENDED TANF AND GA

§ 133.23. Requirements.

* * * * *

(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.

(i) 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.

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

(iii) When the partial redetermination focuses on an eligibility determination for extended TANF, as defined in § 141.52 (relating to definitions), the CAO will update the existing Agreement of Mutual Responsibility (AMR) as defined in § 165.2 (relating to definitions) or complete a new AMR. The redetermination may be conducted by telephone or in a face-to-face interview. If the redetermination is completed by telephone, the CAO will send a copy of the updated or new AMR to the client. The client shall sign and return the AMR to the CAO. The AMR must be received by the CAO within 30 days of the CAO signature on the AMR. If the AMR is not received within 30 days, the client shall be ineligible for extended TANF.

* * * * *

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

ELIGIBILITY PROVISIONS FOR TANF, EXTENDED TANF AND GA

§ 141.21. Policy.

* * * * *

(n) 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, RSDI, TANF and Extended TANF, in accordance with the following:

(1) An applicant for TANF, Extended TANF or GA who fails, without good cause, to cooperate in establishing eligibility for Federal programs is ineligible for cash assistance 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, to cooperate in establishing eligibility for SSI, RSDI, TANF, Extended TANF or other Federal 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.

* * * * *

ELIGIBILITY PROVISIONS FOR EXTENDED TANF

§ 141.51. Policy.

(a) A family that meets the requirements of Chapter 133, § 141.21 and Chapters 142, 177 and 183 may be eligible for Extended TANF under this chapter.

(b) A family otherwise eligible for TANF but for the 60-month time limit on Federally-funded TANF assistance may receive Extended TANF if the eligibility conditions of § 141.53 (relating to eligibility based on domestic violence) are met or the adult head of household or spouse of head of household who received 60 months of TANF meets the requirements of § 141.54, § 141.55 or § 141.56 (relating to maximizing participation project; mandatory RESET participants; and deferred referral).

(c) A family may receive extended TANF under more than one section in this chapter. The months during which a family receives Extended TANF need not be sequential.

§ 141.52. 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.

Extended TANF—Federally-funded TANF cash assistance for eligible families in which an adult head of household or spouse of head of household has received 60 cumulative months of TANF assistance.

MPP—Maximizing Participation Project—As defined in § 281.2 (relating to definitions).

MPP assessment—An evaluation of medical conditions, functional limitations and good cause situations that may preclude or limit an adult's compliance with RESET.

MPP service plan—A document developed by the MPP team in consultation with the individual to outline the steps and services necessary to enable the adult to increase self-sufficiency. This may include one or more of the following:

- (i) Attending English-as-a-Second Language (ESL) classes.
- (ii) Attending mental health counseling.
- (iii) Attending general equivalency diploma (GED) classes.
- (iv) Receiving substance abuse treatment.
- (v) Compliance with a family service plan or family court recommendations.

MPP team—A multidisciplinary group consisting of a CAO worker or an agent authorized by the Department and professionals from various disciplines, which may include physicians, psychologists and vocational or behavioral rehabilitation specialists.

RESET—Road to Economic Self-Sufficiency Through Employment and Training—As defined in § 165.2 (relating to definitions).

Self-employment—Operating one's own business, trade or profession for profit equal to or greater than the hourly Federal or State minimum wage, whichever is higher.

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

WCA—Work capacity assessment—An independent evaluation performed by a contractor, of medical conditions, functional limitations or good cause situations that may preclude or limit an individual's compliance with RESET.

WPP—Work Plus Program—An employment and training program providing work and work-related activities for at least 30 hours per week for individuals eligible for Extended TANF.

§ 141.53. Eligibility based on domestic violence.

(a) *Eligibility.* A family may receive Extended TANF if the individual or other family member is or has been a victim of domestic violence, as defined in § 187.22 (relating to definitions) or is at risk of further domestic violence. Eligibility for Extended TANF under this section is subject to the following:

(1) *Verification of domestic violence not required.* No further verification of domestic violence is required if the individual or other family member has met one of the following:

- (i) A current or past good cause waiver of child support cooperation requirements.
- (ii) A current or past waiver of RESET requirements under Chapter 165 (relating to Road to Economic Self-Sufficiency Through Employment and Training (RESET)).
- (iii) Received time-out benefits under Chapter 281 (relating to time-out benefits) based on domestic violence.

(2) *Verification or self-affirmation of domestic violence required.* If the individual is not excused from providing verification of domestic violence under paragraph (1), the individual shall meet one of the following conditions:

- (i) Provide one of the types of verification specified in § 187.27(b)(1)(iv)—(vi) (relating to waiver of cooperation for good cause).
- (ii) Affirm in writing that the individual or other family member is at risk of domestic violence and unable to safely obtain other evidence.

(3) *Completion of form.* The CAO and the individual shall complete the Domestic Violence Verification Form under § 187.27(b)(1)(vii), except that the 6-month limitation in § 187.27(b)(1)(vii)(c) does not apply. The perpetrator or alleged perpetrator of the domestic violence is prohibited from completing the Domestic Violence Verification Form.

(b) *Domestic violence services plan.* The individual shall have a domestic violence services plan that meets the requirements of 45 CFR 260.55(c) (relating to what are the additional requirements for Federal recognition of good cause domestic violence waivers).

(c) *Duration.* If otherwise eligible, a family may receive Extended TANF based on domestic violence for as long as necessary.

(d) *Review of eligibility.*

(1) *Review of eligibility.* The CAO will review eligibility for Extended TANF based on domestic violence at least every 6 months.

(2) *Additional verification.* No additional verification of domestic violence is required if circumstances have not changed.

(e) *Ineligibility.* If the individual fails to comply with this section, the family is ineligible for Extended TANF under this section until the individual complies.

(f) *Other bases for eligibility.* A family ineligible for Extended TANF based on domestic violence may be eligible for Extended TANF under § 141.54, § 141.55 or § 141.56 (relating to maximizing participation project; mandatory RESET participants; and deferred referral).

(g) *Definition.* As used in this section, the following word has the following meaning, unless the context clearly indicates otherwise:

Individual—The adult head of household or spouse of head of household.

§ 141.54. Maximizing participation project.

(a) *Eligibility.* A family may be eligible for Extended TANF under this section if the individual who has received 60 months of TANF assistance meets the requirements of paragraph (1), (2) or (3). The individual is:

(1) Exempt from participation in RESET because the individual is 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.

(2) Not exempt from RESET but has good cause for not complying with RESET and referral to MPP, WPP or another employment and training program was deferred under § 141.56(a)(2) (relating to deferred referral).

(3) Exempt from participation in RESET because the individual is the parent or specified relative who is providing care for a child under 6 years of age and for whom alternate child care arrangement is unavailable, and referral to MPP, WPP or another employment and training program was deferred under § 141.56(a)(3).

(b) *Requirements.*

(1) *General.* Except as provided in paragraph (2), as a condition of eligibility under this section, the individual shall:

(i) Agree on an AMR to enroll in MPP, cooperate in obtaining a WCA, sign and comply with the MPP service plan.

(ii) Enroll in MPP, cooperate in obtaining a WCA, sign and comply with the MPP service plan.

(iii) Authorize the release of information and cooperate in obtaining information relevant to the WCA, MPP assessment or MPP service plan, whichever applies.

(2) *Exceptions to WCA requirement.*

(i) An individual whose current enrollment in MPP began before the individual received 60 months of TANF assistance, or who is grandfathered under this section, as described in subparagraph (ii), may continue in MPP without a WCA if one of the following applies:

(A) The individual has received an MPP assessment.

(B) The individual has agreed on an AMR to receive an MPP assessment.

(ii) An individual is grandfathered under this section if the individual's current enrollment in MPP began before implementation of this section.

(3) *The WCA.*

(i) *Purpose and scope.*

(A) The WCA will seek to identify:

(I) The nature and extent of medical conditions, functional limitations and good cause situations that preclude or limit the individual from complying with RESET participation requirements.

(II) The individual's range of ability to engage in work and work-related activities, with and without appropriate treatment.

(B) The WCA will include an evaluation of existing documentation regarding medical conditions and functional limitations. The WCA will also include consideration of previously undiagnosed conditions and limitations.

(C) For evaluation of a medical condition or functional limitations, the WCA will require an examination of the individual. For evaluation of a good cause situation, the WCA may require an examination of the individual if necessary and relevant to the determination of the good cause situation.

(D) The WCA may include additional testing as needed to facilitate diagnosis and appropriate treatment recommendations.

(E) The findings and recommendations of the WCA will be provided to the MPP team.

(ii) *Standards for review of medical conditions and functional limitations.*

(A) If the individual has a medical condition or functional limitation that precludes or limits compliance with RESET, the WCA will be conducted based upon accepted medical standards for the evaluation of impairments, using a standard framework and method of analysis.

(B) The standard framework and method of analysis used for the evaluation of temporary and permanent impairments will be the most recent edition of the American Medical Association, "Guides to the Evaluation of Permanent Impairment."

(iii) *Evidence of medical conditions and functional limitations.*

(A) *Existing documentation.* The individual shall obtain existing documentation regarding medical conditions and functional limitations that may preclude or limit compliance with RESET, including available records of the treating physician and psychologist. If necessary, the Department or its agent will assist the individual in obtaining existing documentation.

(B) *Treating physician opinions.* The WCA will include consideration of available opinions of the treating physician.

(4) *Results of the WCA or MPP assessment.*

(i) If the results of the WCA or MPP assessment reveal a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET, the MPP team will develop an MPP service plan in consultation with the individual.

(ii) If the results of the WCA or MPP assessment do not reveal a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET, the individual will be referred to an appropriate employment and training activity. If the results indicate that there is a medical condition, functional limitation or good cause situation that limits but

does not preclude the individual's ability to participate in RESET, the relevant WCA findings and recommendations will be provided with the referral.

(iii) An individual who disagrees with the findings or recommendations of the WCA may request a second opinion WCA.

(c) *Ineligibility.* If the individual fails to comply with this section, the family is ineligible for Extended TANF under this section until the individual complies.

(d) *Definition.* As used in this section, the following word has the following meaning, unless the context clearly indicates otherwise:

Individual—The adult head of household or spouse of head of household.

§ 141.55. Mandatory RESET participants.

(a) *General.* A family may qualify for Extended TANF under this section if the individual who has received 60 months of TANF meets the requirements of this section, as follows:

(1) *Employed 30 or more hours per week.* If the individual is employed at least 30 hours per week in unsubsidized employment, including self-employment, no additional work or work activity is required. The individual may volunteer for employment and training programs that are designed to increase the individual's earning capacity.

(2) *Participating in an employment and training program.* The individual is continuing participation in an employment and training program approved on an AMR while the individual was receiving TANF.

(3) *Employed 20–29 hours per week.* An individual who is employed 20–29 hours per week in unsubsidized employment, including self-employment, shall maintain employment. Except as specified in paragraph (6), the individual shall also enroll and participate in a job retention and advancement program, funded or approved by the Department, to bring the combined total number of hours to at least 30 hours per week.

(4) *Employed less than 20 hours per week.* An individual who is employed less than 20 hours per week in unsubsidized employment shall maintain employment. Except as specified in paragraph (6), the individual shall also enroll and participate in WPP, to bring the combined total number of hours to at least 30 hours per week.

(5) *Not employed.* Except as specified in paragraph (6), an individual who is not employed in unsubsidized employment shall enroll and participate in WPP for at least 30 hours per week.

(6) *Special good cause provision.* If the individual establishes good cause for not participating in at least 30 hours per week of combined work and work-related activities but is required to comply with RESET, the following rules apply:

(i) If the individual is employed 20–29 hours per week in unsubsidized employment, the individual shall maintain employment.

(ii) If the individual is employed less than 20 hours per week in unsubsidized employment, the individual shall maintain employment. The individual shall also agree on an AMR to comply with RESET by participating in WPP for a combined total of at least 20 hours per week.

(iii) If the individual is not employed in unsubsidized employment, the individual shall agree on an AMR to

comply with RESET by participating in WPP for at least 20 hours per week.

(iv) The individual who establishes good cause for not participating in at least 30 hours per week of combined work and work-related activities shall also agree on an AMR to address the good cause situation. The AMR will set forth the steps the individual shall undertake to address the good cause situation including cooperation with a WPP contractor.

(b) *WPP.*

(1) An individual enrolled in WPP shall cooperate in obtaining a vocational assessment, performed by an employment and training contractor.

(2) If the results of the vocational assessment indicate that the individual is not precluded from complying with RESET, the individual shall participate a minimum of 30 hours per week in a combination of work and work-related activities, in accordance with the Fair Labor Standards Act (29 U.S.C.A. §§ 201–219). Work-related activities may include English-as-a-Second Language (ESL) classes. If the individual establishes good cause for not participating in at least 30 hours per week of work and work-related activities, the individual shall comply with RESET in accordance with subsection (a)(6).

(3) If the results of the vocational assessment reveal a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the individual shall be referred to MPP.

(4) If the results of the vocational assessment indicate that the individual is not precluded from complying with RESET but, because of disability, needs a reasonable accommodation of program rules and requirements, that accommodation shall be made, in accordance with Title II of the Americans With Disabilities Act (42 U.S.C.A. §§ 12131–12165). Findings and recommendations provided with a referral from MPP will be considered in providing accommodation.

(c) *Sanctions.* If the individual fails to comply with § 141.55 (relating to mandatory RESET participants), a compliance review is conducted in accordance with § 165.51 (relating to compliance review). If the individual willfully fails, without good cause, as described in § 165.52 (relating to good cause), to comply with § 141.55, a sanction is imposed on the budget group under § 165.61 (relating to sanctions).

(d) *Definition.* As used in this section, the following word has the following meaning, unless the context clearly indicates otherwise:

Individual—The adult head of household or spouse of head of household.

§ 141.56. Deferred referral.

(a) *General.* A family may qualify for Extended TANF if the individual meets one of the eligibility criteria of paragraphs (1)–(4) and complies with an AMR. The individual is:

(1) A parent in a one-parent household who is caring for a child who has not attained the age of 12 months and the parent is exempt from RESET under § 165.21(c)(4) (relating to exemptions from RESET participation requirements).

(2) Caring for a disabled child or adult for whom appropriate care is unavailable within a reasonable distance from home or otherwise establishes good cause for not complying with RESET under § 165.52 (relating to good cause).

(3) The parent or specified relative who is providing care for a child under 6 years of age and for whom alternate child care arrangement is unavailable.

(4) In the process of a compliance review under § 165.51 (relating to compliance review) or receiving TANF assistance pending timely appeal under § 275.4(a)(3)(v)(c)(i) (relating to procedures).

(b) *Redetermination.*

(1) The CAO will redetermine eligibility under subsection (a)(1) every 6 months or on the date the 12-month limit on the parent's exemption from RESET under § 165.21(c)(4) expires, whichever is sooner.

(2) Except for eligibility under subsection (a)(1), the CAO will determine eligibility under this section when circumstances change and no less often than every 90 days.

(c) *Outcome of redetermination.*

(1) If circumstances have changed so that the family no longer meets the requirements of subsection (a), the CAO will determine if the family is otherwise eligible for extended TANF under § 141.53, § 141.54 or § 141.55 (relating to eligibility due to domestic violence; maximizing participation project; and mandatory RESET participants).

(2) If circumstances have not changed, the CAO will refer the individual to MPP unless the basis for deferred referral is expected to be resolved in less than 90 days from the date of redetermination.

(d) *Definition.* As used in this section, the following word has the meaning, unless the context clearly indicates otherwise:

Individual—The adult head of household or spouse of head of household.

§ 141.57. Special allowances.

(a) An individual who receives Extended TANF as specified in §§ 141.53—141.55 (relating to eligibility based on domestic violence; maximizing participation project; and mandatory RESET participants) may receive special allowances under § 165.41 (relating to eligibility for special allowances for supportive services).

(b) An individual who is eligible for Extended TANF may receive special allowances, including allowances for child care and transportation necessary to enable the individual to participate in programs and activities that are part of the individual's MPP service plan, domestic violence services plan or employment and training activities listed on the AMR.

§ 141.58. Appeal rights.

An individual may appeal the denial or termination of Extended TANF under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

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 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 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 §§ 141.53—141.56 is also ineligible for GA.

* * * * *

(b) *Social Security number required.* A Social Security number is required for each family member 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 SSA-5 application form.

(c) *Determining GA categorical eligibility.* An applicant for, or recipient of, GA is determined to be eligible in accordance with the following:

* * * * *

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, to cooperate in establishing and maintaining eligibility for SSI, RSDI, TANF, Extended TANF or other Federal 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, to cooperate in establishing eligibility for Federal programs is ineligible for cash assistance as follows:

(1) For TANF or Extended TANF, the applicant is ineligible until the applicant complies.

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

(3) For Extended TANF, the applicant and the applicant's family are 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 TANF or Extended TANF and SSI may choose to receive a benefit from one of these programs. The individual may not receive SSI and TANF or Extended TANF simultaneously.

CHAPTER 187. SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT

SUPPORT PROVISIONS FOR CASH ASSISTANCE

§ 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) *Domestic Violence Verification Form.* 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 paragraph (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 (relating to appeal and fair hearing and administrative disqualification hearings). 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)—(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).

[Pa.B. Doc. No. 02-1773. Filed for public inspection October 11, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrial Housing

The Department of Community and Economic Development (Department), under the authority of section 5 of the Industrialized Housing Act (act) (35 P. S. § 1651.15) proposes amendments to Chapter 145 (relating to industrial housing and components). The purpose of this proposed rulemaking is to further clarify and strengthen the Department's and third party's roles in monitoring the installation of industrialized housing; to adopt the "ICC International Building Code"; to update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; to place the determination regarding the frequency of inspection reports on the inspection agency; to require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and to increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.

Introduction

The act authorizes the Department to establish uniform State standards and procedures for the identification, inspection of, manufacture and assembly, and certification of industrialized housing and those components forming integral parts of housing structures for use in communities in this Commonwealth. The purpose of this proposed rulemaking is to ensure that industrialized housing and housing components intended for sale, lease or installation for use in this Commonwealth will be manufactured, transported and installed onsite in compliance with the uniform standards set forth in the chapter.

Analysis

Section 145.1 (relating to definitions) is amended to include within the definition of "building system documentation" the installation component; to delete the term "mobile home" and replace it with the updated term "manufactured home"; to add the term "module" which permits the further delineation of the broader term "industrialized housing"; and to include a definition for "ICC."

Section 145.36 (relating to applicability of locally-enacted codes and ordinances) is amended to prevent local authorities from prohibiting the installation of industrialized housing unless the local authorities show a legitimate threat to the public health, safety or welfare.

Section 145.41 (relating to adoption of standards) is amended to recognize the adoption of the "ICC International Building Code" and to further control the identification of materials used in the construction of industrialized housing.

Section 145.42 (relating to alternate standards) is amended to recognize the adoption of the "ICC International Residential Code."

Section 145.47 (relating to acquisition of adopted codes and amendments) is amended to add the address from which copies of the ICC codes can be obtained.

Section 145.53 (relating to variations) is amended to include a requirement that "as built" production plans and specifications for each variation be approved by the evaluation agency prior to the start of construction.

Section 145.60 (relating to insignia of certification) is amended to require insignia of certification on each module of industrialized housing, rather than requiring only one insignia of certification for the entire industrialized housing structure. Under the existing regulations, one fee is paid regardless of the size of the structure. The proposed amendment seeks to evenly distribute the cost based upon the number of modules used in the industrialized housing structure. The larger the structure, the larger the fee.

Section 145.61 (relating to insignia of inspection agencies) is amended to require the inspection agency to attach insignia of certification on each module of industrialized housing.

Section 145.62 (relating to data plates) is amended to reflect the existence of multiple insignia of certification numbers to be affixed to the data plate in an industrialized housing structure.

Section 145.72a (relating to frequency of inspections) is amended to replace the minimum required number of inspections to be made by inspection agencies with a subjective determination to be made by the inspection agencies, and to include a requirement that documentation of onsite inspections be on file in each manufacturing facility and be provided to the Department upon request.

Section 145.82 (relating to issuance of building permits) is amended to require, among other things, that the application for a building permit be consistent with the approved building system documentation.

Section 145.91 (relating to reports to the Department) is amended to require the preparation and submission of a site installation inspection report, which form will now be required to be furnished by the manufacturer as part of their approved compliance control program, for all installations of industrialized housing or housing components for use on a site in this Commonwealth. The report is currently required only when installation occurs on a site in this Commonwealth without a local enforcement agency.

Section 145.94 (relating to fees) is amended to increase the fees charged by the Department for the industrialized housing program; to place within the discretion of the Department the charging of fees where the Department is authorized to monitor, inspect or evaluate industrialized housing; and to delete the \$15 per housing component produced fee for inspection and follow-up services.

Fiscal Impact

Commonwealth. Increased fees generated from this proposed rulemaking will allow the Department to continue to effectively administer and enforce the industrialized housing program. Funds are currently insufficient to run the program.

Political Subdivisions. There will be no fiscal impact on political subdivisions.

Public. Evaluation and inspection agencies will be required to pay higher application and reapproval fees. Manufacturers will be required to pay higher fees for insignia of certification for each module of industrialized housing and housing components. However, the current fees are low in comparison to other states and have not been increased since 1979.

Paperwork

The proposed rulemaking will require persons installing industrialized housing to prepare and submit a site installation inspection report in all cases, not just in jurisdictions without local enforcement.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 9, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House and Senate Commerce and Economic Development Committees. 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 agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the agency, the General Assembly and the Governor of objections raised.

Effective Date/Sunset Date

The amendments will become effective 180 days after final publication in the *Pennsylvania Bulletin*. The regulations are monitored on a regular basis and updated as needed.

Contact Person

Interested persons are invited to submit in writing within 30 days of publication comments, suggestions or objections regarding the proposed rulemaking to Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, Harrisburg, PA 17120-0225.

SAMUEL A. MCCULLOUGH,
Secretary

Fiscal Note: 4-72. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

GENERAL PROVISIONS

§ 145.1. Definitions.

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

* * * * *

Building system documentation—The plans, specifications and other documentations which together describe industrialized housing or a housing component, including variations and installation detail, consistent with § 145.41 or § 145.42 (relating to adoption of standards; and alternate standards).

* * * * *

Housing component—A [major] manufactured subsystem or subassembly, designed for use as an integral component part of a structure designed primarily for residential occupancy, which contains concealed parts or processes of manufacture that cannot be inspected at the site without disassembly, damage or destruction and which is identified in § 145.35 (relating to applicability of Fire and Panic Act) as being subject to this chapter.

* * * * *

ICC—International Code Council.

* * * * *

Manufactured home—

(i) A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected onsite, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

(ii) The term includes a structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standard (42 U.S.C.A. §§ 5401—5424).

(iii) The term does not include any self-propelled recreational vehicle.

* * * * *

[*Mobile home*—A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).]

Module—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.

* * * * *

SCOPE

§ 145.36. Applicability of locally-enacted codes and ordinances.

* * * * *

(e) Nothing in the act or this chapter shall be construed as amending, repealing or superseding a local zoning ordinance, subdivision regulation, designation of fire districts or related land development code, regulation or ordinance enacted by a local government of [the] this Commonwealth, except when the local codes, ordinances or regulations preclude the siting of industrialized housing in a manner that does not show a reasonable relationship to legitimate public health, safety or welfare considerations.

* * * * *

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing and housing components for purposes of this chapter:

(1) The [BOCA National Building Code,] "ICC International Building Code," with the following exceptions:

* * * * *

(2) The [International Code Council] ICC International Mechanical Code.

(3) The [International Code Council] ICC International Plumbing Code.

* * * * *

(f) Only listed and labeled materials listed for use as documented shall be used in all construction.

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) [CABO One and Two Family Dwelling] ICC International Residential Code except that with regard to stair geometry (rise and run), a manufacturer may elect to utilize the 1992 CABO One and Two Family Dwelling Code, Section R-213.1, Figure No. R-213.1; and HUD Minimum Property Standards for One and Two Family Dwellings (24 CFR 200.926 (relating to minimum property standards for one- and two-family dwellings)).

* * * * *

§ 145.47. Acquisition of adopted codes and amendments.

(a) Copies of the ICC International Building Code, ICC International Residential Code, ICC International Mechanical Code and ICC International Plumbing Code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards) may be obtained from:

International Code
5203 Leesburg Pike
Suite 708
Falls Church, Virginia 22041-3401

(b) * * *

[(b)] (c) Copies of the 1993 BOCA National codes adopted in part under [§]§ 145.41 [and 145.42, including supplements], may be obtained from:

* * * * *

[(c)] (d) Copies of [the] other alternate standards adopted under § [§ 145.41 and] 145.42, including supplements, may be obtained from:

Standard Address
CABO One and Two Family Dwelling Code Building Officials and Code Administrators International, Inc.
([latest] 1992 edition) 4051 West Flossmoor Road
Country Club Hills, Illinois
60477

* * * * *

CERTIFICATION

§ 145.53. Variations.

Building system documentation approved under § 145.52 (relating to approval of building system documentation) may contain variations or a range of variations for one or more elements of the industrialized housing or housing components described in the building system documentation, provided that the approved building system documentation conforms to all of the applicable requirements of the applicable codes and standards under each variation or set of variations within the range of variations. "As built" production plans and specifications for each variation shall be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

§ 145.60. Insignia of certification.

(a) Certified industrialized housing constituting a single dwelling unit shall bear [an] insignia of certification for each module. The insignia of certification shall be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module to the data plate located in a visible location in the utility room or utility area or other area identified in the building system documentation and in the Building System Approval Report as provided in § 145.62(a) (relating to data plates). Each insignia of certification shall bear an insignia serial number furnished by the Department and shall contain the following language:

* * * * *

§ 145.61. Insignia of inspection agencies.

(a) The inspection agency shall attach its label, seal or other insignia to the data plate for each industrialized housing [and to each separate element, if any, of industrialized housing which is transported to the building site for assembly and installation] module.

* * * * *

§ 145.62. Data plates.

(a) A dwelling unit of certified industrialized housing shall contain a data plate. The data plate shall be

furnished by the manufacturer and shall be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in other areas identified in the building system documentation. The data plate shall contain sufficient space to permit the attachment of [the] insignia of certification as provided in § 145.60(a) (relating to insignia of certification) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies). The data plate shall contain [, but not be limited to,] the following information:

* * * * *

(7) Department insignia of certification [number] numbers.

(8) Serial or other identifying numbers of each [element, if any, of the] module of industrialized housing [separately transported to the building site for assembly and installation].

* * * * *

THIRD-PARTY AGENCIES

§ 145.72a. Frequency of inspections.

* * * * *

(d) In carrying out its monitoring responsibilities under § 145.72(1) and (2) an inspection agency [should] shall inspect industrialized housing at the site after installation is complete [a minimum of 5% of each manufacturer's dwelling units installed in this Commonwealth. The dwelling units to be inspected should be selected on a random basis to insure verification of the system approval process] in a manner and frequency necessary to confirm that the manufacturer's approved compliance control program is effective in assuring installation consistent with the manufacturer's approved building system documentation. Documentation of the onsite inspections shall be on file in each manufacturing facility and shall be provided to the Department as requested.

* * * * *

LOCAL ENFORCEMENT AGENCIES

§ 145.82. Issuance of building permits.

* * * * *

(b) The local enforcement agency may not withhold the issuance of a building permit for certified industrialized housing or a housing structure in which will be installed certified housing components if the applicant submits the documents required by this section, and the application for a building permit complies with applicable locally-enacted codes and ordinances with regard to set-up and site details, consistent with the approved building system documentation.

ADMINISTRATIVE PROVISIONS

§ 145.91. Reports to the Department.

* * * * *

(e) A person installing industrialized housing or housing components for use on a site in a jurisdiction in this Commonwealth [without a local enforcement agency] shall prepare and mail to the inspection agency a Site Installation Inspection Report on a form furnished by the [Department] manufacturer as part of the

person's approved compliance control program. [If the manufacturer is not installing the industrialized housing or housing components, the] The manufacturer shall be responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection Report form and instructions as to its intended use.

§ 145.94. Fees.

(a) A person submitting an application to the Department under § 145.75(a) (relating to procedures for obtaining approvals of evaluation and inspection agencies) for approval as an evaluation agency or inspection agency shall pay a fee of [\$500] \$1,000. If the person seeks approval as both an evaluation agency and an inspection agency, the combined fee shall be [\$1,000] \$2,000.

(b) A third-party agency submitting an application to the Department under § 145.76 (relating to reapprovals of third-party agencies), for reapproval as an evaluation agency or inspection agency shall pay a fee of [\$250] \$500. If the person seeks reapproval as both an evaluation agency and an inspection agency, the combined fee shall be [\$500] \$1,000.

(c) Each manufacturer requesting the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) to issue insignia of certification shall pay a fee of [\$35] \$40 for the insignia of certification for each [dwelling unit] module of industrialized housing.

(d) Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of [\$17.50] \$40 for each housing component which will bear insignia of certification; provided that the fee payable under this subsection for housing components to be installed in a single-dwelling unit may [in no event] not exceed [\$35] \$100.

(e) [A manufacturer requesting the Department to] When the Department is authorized to monitor or inspect under § 145.93 (relating to factory inspections; right of entry) or otherwise or provide evaluation or inspection services, or both, under § 145.70 (relating to Departmental evaluation and inspection) [shall], the manufacturer may be required to pay to the Department the following fees:

(1) Engineering services—[\$200] \$400 per day or [\$25] \$60 per hour.

(2) Administrative services—[\$100] \$175 per day or [\$15] \$25 per hour.

(3) [Inspection and follow-up services—\$15 per housing component produced.

(4)] Travel and per diem expenses—current Commonwealth travel and per diem expenses.

* * * * *

[Pa.B. Doc. No. 02-1774. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 101]

[Correction]

Appeals from Determinations of Department

An error occurred in the preamble to the document which appeared at 32 Pa.B. 4720, 4722 (September 28, 2002). The Secretary of the Department of Labor and Industry's name was incorrect. The correct information is as follows:

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1678. Filed for public inspection September 27, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Advance Notice of Proposed Rulemaking Order

Public Meeting held
September 25, 2002

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick; Kim Pizzingrilli

Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapters 29 and 31 Pertaining to Regulation of Motor Carriers of Passengers and Property; Doc. No. L-00020157

Advance Notice of Proposed Rulemaking Order

By the Commission:

The Commission's regulations governing motor carriers of passengers and property, including household goods, are found in 52 Pa. Code Chapters 29 and 31, respectively. In recent years, the Commission's oversight of these industries has changed in response to Federal preemption mandated by the Federal Aviation Authorization Act of 1994 and the Transportation Equity Act for the 21st Century, P. L. 105-178. Further, these industries have responded to changes mandated by market forces. In

light of these changes, the Commission has determined that it is appropriate to examine its regulations governing the passenger and property (including household goods) carrier industries. Toward this end, we are initiating this Advance Notice of Proposed Rulemaking. We encourage members of the regulated industry, the public, and any other interested parties to file comments with the Commission. The comments should include specific section references to the Commission regulations. Comments should delineate the rationale for the proposed change as well as specific proposed language for the regulations.

Due to the comprehensive nature of this rulemaking and the sheer number of regulatory sections which are open for review, interested parties will be given 60 days from the date of publication of the Advance Notice of Proposed Rulemaking in the *Pennsylvania Bulletin* for the submission of comments. The Commission is committed to completing the revisions to its procedural regulations in a timely fashion. Since the comment period is a generous one, no extensions will be granted for the filing of comments; *Therefore,*

It Is Ordered That:

1. A rulemaking proceeding is hereby initiated at this docket to consider the revision of the regulations appearing in 52 Pa. Code Chapters 29 and 31, relating to the Commission's rules governing the passenger and property carrier industries.

2. This Advance Notice of Proposed Rulemaking be published in the *Pennsylvania Bulletin*.

3. Interested parties shall have 60 days from the date of publication in the *Pennsylvania Bulletin* of the Advance Notice of Proposed Rulemaking to file written comments.

4. Comments should include, when appropriate, a numerical reference to the existing regulations which the comments address, the proposed language for revision, and a clear explanation for the recommendation.

5. That interested parties should file an original plus ten copies of each comment with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The Commission's contact person is Assistant Counsel, John Herzog, (717) 783-3714.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1775. Filed for public inspection October 11, 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 Health

The Executive Board approved a reorganization of the Department of Health effective September 25, 2002.

The organization chart at 32 Pa.B. 5081 (October 5, 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.)

[Pa.B. Doc. No. 02-1776. Filed for public inspection October 11, 2002, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Board of Probation and Parole

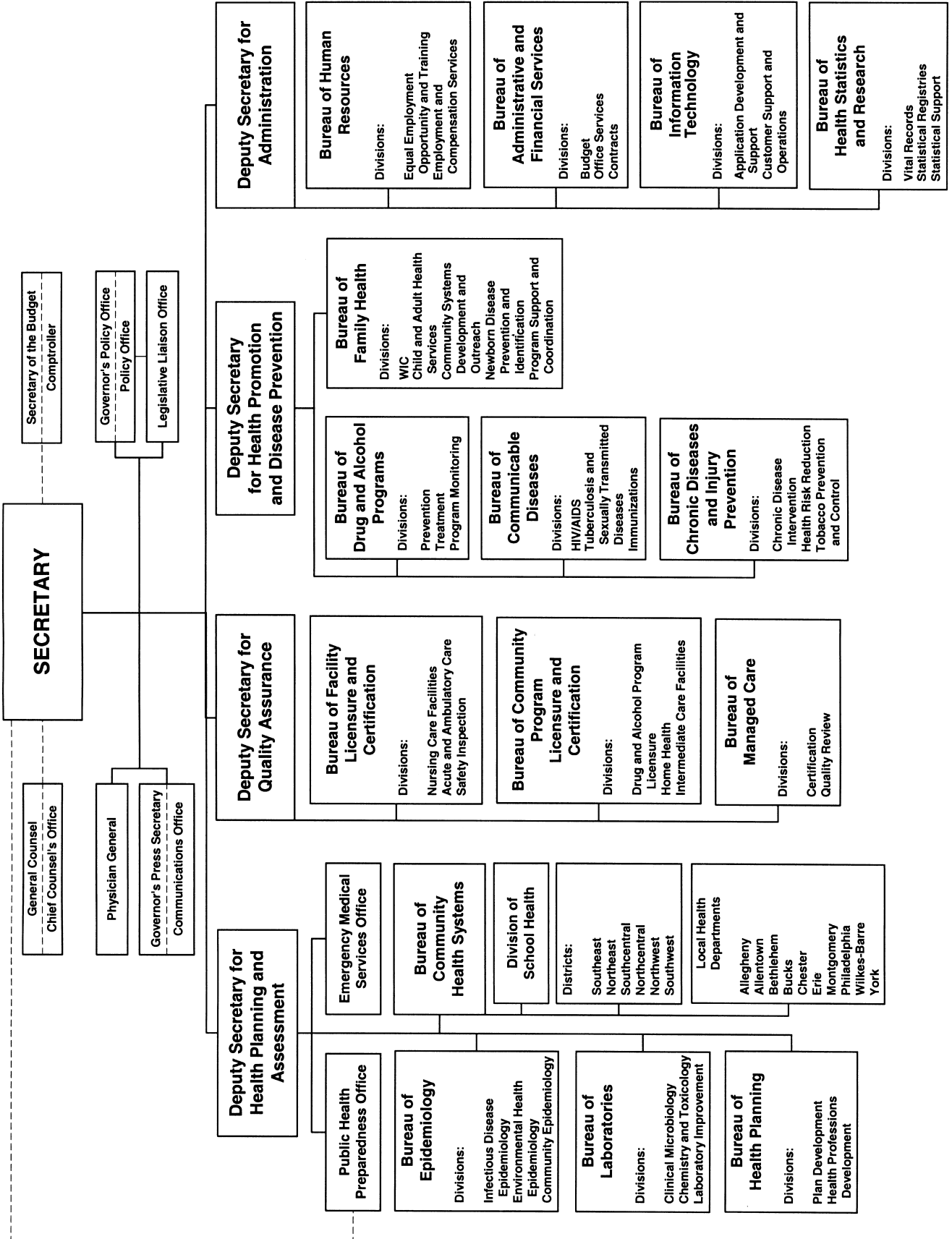
The Executive Board approved a reorganization of the Board of Probation and Parole effective September 25, 2002.

The organization chart at 32 Pa.B. 5082 (October 5, 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).

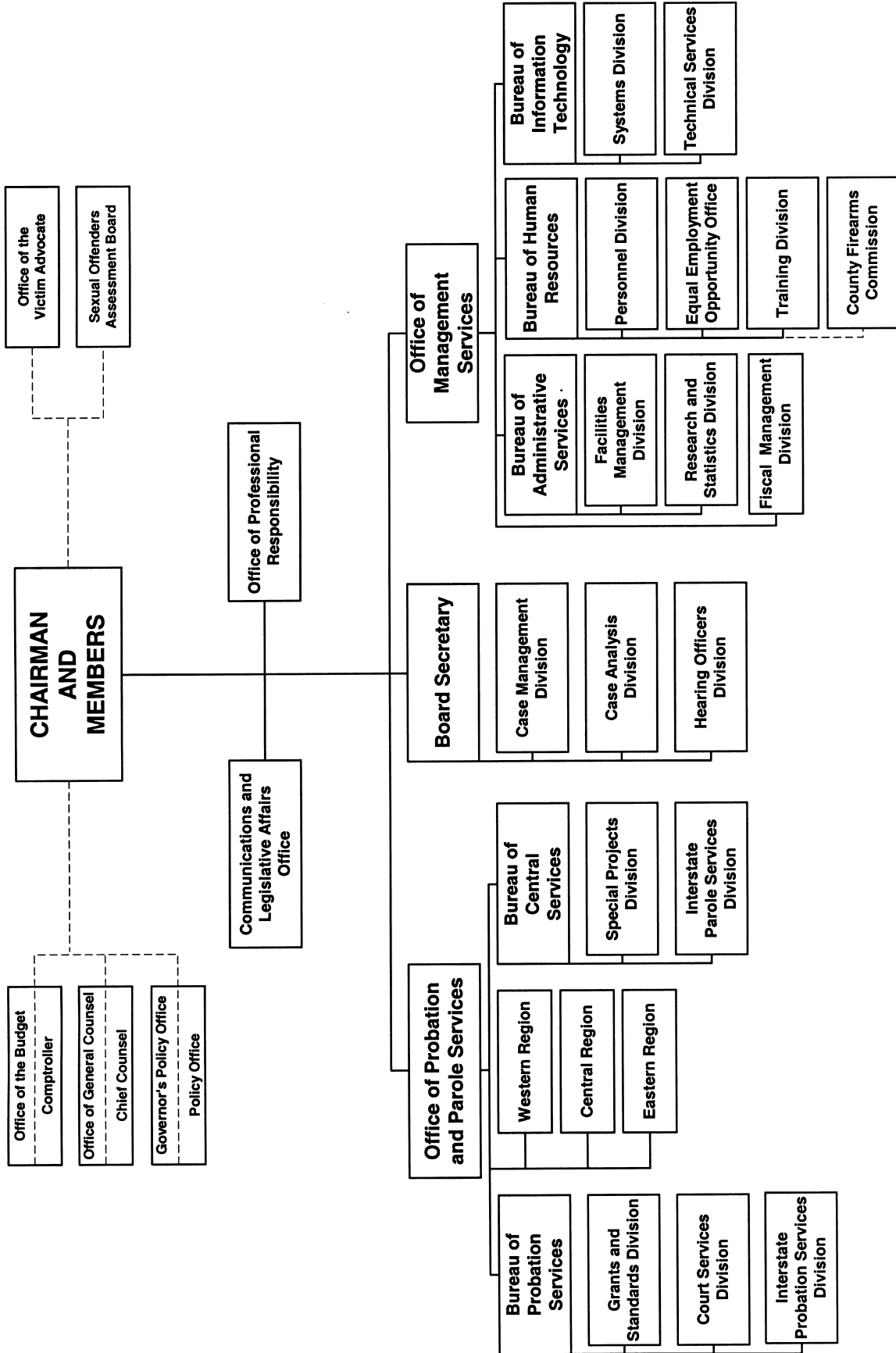
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 02-1777. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH



BOARD OF PROBATION AND PAROLE



NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, October 16, 2002. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion include: a presentation on "Green Infrastructure" by a spokesperson of the Regional Planning Partnership; a presentation on the Filtration Avoidance Determination for the New York City Catskill-Delaware Water Supply System by a spokesperson of the Environmental Protection Agency; an update on development of the Commission's new Comprehensive Plan; a discussion regarding a Memorandum of Agreement between the Commission and the National Park Service for the development of a Tri-State Watershed Management Area Plan for the Delaware Water Gap National Recreation Area; a presentation on the Commission's 2002 305(b) Water Quality Assessment Report; a status report on the PCB TMDL for the Delaware Estuary; a discussion regarding a resolution to amend the Comprehensive Plan and Water Code relating to the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions; and a discussion of emergency waivers requested by United Water Delaware and Pennsylvania-American Water Company and proposed docket revisions related thereto.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include, in addition to the following dockets, a resolution amending United Water Delaware's Docket D-96-50 CP by the addition of a new condition "m"; a resolution regarding a request by the Pennsylvania-American Water Company for emergency relief from condition "e" of Docket D-86-82 CP concerning conservation releases from Rock Run Reservoir and to amend Docket D-96-16 CP by the addition of a new condition "s"; a resolution regarding a request by the Pennsylvania-American Water Company and the Chester County Water Resources Authority for emergency relief from condition "d" of Docket D-87-35 CP; and a resolution amending the Comprehensive Plan and Water Code relating to the Lake Wallenpaupack Drought Operating Plan. The dockets scheduled for public hearing are as follows:

1. *Unitech Services Group, Inc. D-99-7*. A project to construct a new outfall from the applicant's existing tertiary treatment plant to discharge 0.08 million gallons per day (mgd) of treated industrial laundry wastewater to the Schuylkill River in Royersford Borough, Montgomery County, PA. The treated effluent is currently routed to the Royersford Borough sewage treatment plant (STP). The project will enable the STP to receive additional flow from development within its service area.

2. *Burlington Township D-99-50 CP*. A ground water withdrawal project to supply up to 25.92 mg/30 days of water to the applicant's distribution system from new Well No. 7 and to increase the withdrawal limit from all wells from 98.2 mg/30 days to 113 mg/30 days. The

project is located in the Assiscunk and Delaware River Watersheds in Burlington Township, Burlington County, NJ.

3. *East Goshen Municipal Authority D-2000-30 CP*. A project to expand the applicant's existing Ridley Creek secondary treatment 0.4 mgd STP to 0.75 mgd. The STP is located approximately 600 feet southeast of the intersection of Route 352 and Boot Road in East Goshen Township, Chester County, PA and will continue to serve portions of East Goshen and Willistown Townships, Chester County. Treated effluent will continue to discharge to the nontidal portion of Ridley Creek, a tributary of the Delaware River. However, up to 0.135 mgd of treated effluent will be seasonally utilized for irrigation of the proposed Applebrook Golf Course to be located on the former Smith-Kline-Beecham/Pfizer tract in East Goshen Township.

4. *Summit Management & Utilities, Inc. D-2001-56 CP*. A ground water withdrawal project to supply up to 14 mg/30 days of water to both the applicant's water supply distribution system and for golf course irrigation from new Well No.3, in the Polar Gap Member of the Catskill Formation, and to limit the total allocation from existing Wells Nos. 1 and 2 and new Well No. 3 to 22.4 mg/30 days. Irrigation of the golf course will be sourced from both Well No. 3 and wastewater effluent from an existing STP. The project is located in the Tunkhannock Creek Watershed in Kidder Township, Carbon County, PA.

5. *Jeffersonville Golf Course D-2002-30 CP*. A ground water withdrawal project to supply up to 8.64 mg/30 days of water to the applicant's golf course from new Wells Nos. PW-1 and PW-3 in the Stockton Formation and to limit the existing withdrawal from all wells to 8.64 mg/30 days. The project is located in the Indian Creek Watershed in West Norriton Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Waymart Area Authority D-2002-32 CP*. A project to expand a 0.21 mgd STP to process 0.715 mgd, while continuing to provide tertiary treatment. The expanded plant will serve Waymart Borough and a portion of Canaan Township, Wayne County, PA. The project is located on the northern shore of Lake Ledore, approximately 1 mile southeast of the intersection of Interstate Highway 6 and State Route 296. Treatment plant effluent will continue to be discharged to Van Auken Creek in the drainage area of the Delaware River Basin Commission Special Protection Waters, but a new outfall will be provided.

In addition to the public hearing items, the Commission will address the following at its 1:30 p.m. business meeting: minutes of the August 28, 2002, business meeting; announcements; a report on Basin hydrologic conditions; a report by the Executive Director; a report by the Commission's General Counsel; a resolution concerning the drought emergency declared by the Commission on December 18, 2001; and a resolution authorizing the Executive Director to enter into an agreement with the National Park Service for development of a Tri-State Watershed Management Plan for the Delaware Water Gap National Recreation Area. The meeting will conclude with an opportunity for public dialogue.

The Commission's draft dockets and draft resolutions scheduled for public hearing on October 16, 2002, are posted on the Commission's website, <http://www.drbc.net>,

where they can be accessed through the Notice of Commission Meeting and Public Hearing. Documents relating to the dockets and other items may be examined at the Commission's offices. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to

attend the hearing should contact the Commission Secretary at (609) 883-9500 ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 02-1778. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 1, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-25-02	Sky Financial Group, Inc., Bowling Green, OH, to acquire up to 19% of the voting shares of NSD Bancorp, Inc., Pittsburgh, PA	Bowling Green, OH	Approved

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-26-02	Integrity Bank Camp Hill Cumberland County <i>Correspondent:</i> James T. Gibson 542 Harvest Lane Mechanicsburg, PA 17055	Camp Hill	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-02	Brentwood Bank Bethel Park Allegheny County Purchase of assets/assumption of liabilities of one branch office of Pittsburgh Savings Bank, Pittsburgh, Located at: 5001 Library Road Bethel Park Allegheny County	Bethel Park	Approved

Interstate Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-02	U. S. Trust Company Greenwich, CT	1818 Market Street Philadelphia Philadelphia County	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-25-02	HomeTowne Heritage Bank Intercourse Lancaster County	1298 Georgetown Rd. Quarryville Bart Township Lancaster County	Approved
9-26-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 9001 Frankstown Road Pittsburgh Allegheny County	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-23-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> Paoli Shopping Center, Store #3 10 East Lancaster Ave. Paoli Chester County <i>From:</i> One West Lancaster Ave. Paoli Chester County	Effective
9-26-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 3650 Nazareth Pike Bethlehem Northampton County <i>From:</i> 3926 Linden Street Bethlehem Northampton County	Filed
9-26-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 2541 Mickley Avenue Whitehall Lehigh County <i>From:</i> 2641 MacArthur Road Whitehall Lehigh County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-02	Pittsburgh Savings Bank Pittsburgh Allegheny County	5001 Library Road Bethel Park Allegheny County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,
Acting Secretary

[Pa.B. Doc. No. 02-1779. Filed for public inspection October 11, 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, October 23, 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 should 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. 02-1780. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Professional Standards and Practices Commission; Application of Valerie Hopkins for Reinstatement of Teaching Certificates; Doc. No. RE 02-01

Notice of Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Valerie Hopkins for reinstatement of her teaching certificates.

On or about June 11, 2002, Valerie Hopkins filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications generally; and contents of applications) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education, on September 20, 2002, advised that they do not oppose the application. In accordance with the act and 1 Pa. Code §§ 35.1 and 35.2, the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as necessary and to prepare a proposed report to the

Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in the hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, by 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 02-1781. Filed for public inspection October 11, 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 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

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>
PA0084611 Transfer	CMV Sewage Company, Inc. 300 Bailey Drive, Suite 106 Stewartstown, PA 17363	York County North Codorus Township	UNT to Codorus Creek 7-H	Y
PA0082589	Fairview Township Authority 599 Lewisberry Road New Cumberland, PA 17070-2399	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>
PA0209449 Industrial Waste	GKN Sinter Metals, Inc. Plant #6 Airport Road Facility R. R. 2, Box 47 Emporium, PA 15834-9797	Cameron County Emporium Borough	Driftwood Branch of Sinnemahoning Creek West Creek SWP 8A	Y
PA0031453 Sewerage Nonpublic	South Columbia Area School District 800 Southern Drive Catawissa, PA 17820	Columbia County Franklin Township	Roaring Creek SWP 5E	Y
PA0033782 Sewerage Nonpublic	Timberend Estates, Inc. 528 Ruben Keher Road Lot 100A Muncy, PA 17756	Lycoming County Fairfield Township	UNT to Twin Run SWP 10D	Y

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

PA0210331, Sewage, **Pine Grove Mobile Home Park & Sales, Inc.**, 374 North Perry Highway, Mercer, PA 16137. This proposed facility is located in Coolspring Township, **Mercer County**.

Description of Proposed Activity: Renewal of a 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 Beaver River and Municipal Authority of the Township of North Sewickley located at River Mile 7.56, 33 miles below point of discharge.

The receiving stream, unnamed tributary to Munnell Run, is in watershed 20-A and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0375 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		18
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	
Dissolved Oxygen		minimum of 3 mg/l at all times	
Total Residual Chlorine	0.5		1.6
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0028207, Sewage, **Reynoldsville Sewage Authority**, 400 North Fifth Street, P. O. Box 207, Reynoldsville, PA 15851. This existing facility is located in Reynoldsville Borough, **Jefferson County**.

Description of Proposed Activity: renewal of an NPDES permit for 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 Hawthorn Water Authority on Redbank Creek located at Hawthorn, approximately 30 miles below point of discharge.

The receiving stream, Sandy Lick Creek, is in watershed 17 and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.800 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	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	8.5		17
(11-1 to 4-30)	25		50
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		11,200/100 ml as a geometric average	
Total Residual Chlorine	0.5		0.8
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0044067, Industrial Waste, Fish and Boat Commission, Union City Fish Culture Station, Union City, PA 16438. This proposed facility is located in Union Township, **Erie County**.

Description of Proposed Activity: treated fish hatchery wastewater.

The receiving stream, Bentley Run, is in watershed French Creek and classified for CWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Cambridge Springs Borough on French Creek located in Cambridge Springs, approximately 30 miles below the point of discharge.

Outfall 001 (0.0783 MGD); *Outfall 002* (0.1658 MGD), *Outfall 003* (0.144 MGD), *Outfall 004* (0.216 MGD) and *Outfall 005* (0.144 MGD)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	30		60
pH		6.0 to 9.0 standard units at all times	

Outfall 006 (0.144 MGD)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	30		60
Formaldehyde	0.88		1.76
Hydrogen Peroxide	0.2		0.4
Diquat Dibromide	0.06		0.12
Potassium Permanganate	0.006		0.012
pH		6.0 to 9.0 standard units at all times	

Outfall 007 (0.108 MGD)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	30		60
Iron—T	2		4
Aluminum—T	4		8
Manganese	1		2
Formaldehyde	1.03		2.06
Hydrogen Peroxide	0.23		0.46
Diquat Dibromide	0.07		0.14
Potassium Permanganate	0.007		0.014
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0103250, Industrial Waste, **Urlick Foundry Company**, 1501 Cherry Street, Erie, PA 16512-6027. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Activity: This application is for the renewal of an industrial waste NPDES permit to discharge noncontact cooling water to the City of Erie storm sewer, which discharges to Presque Isle Bay at the foot of Myrtle Street.

The receiving stream, Presque Isle Bay, is in the Lake Erie watershed and classified for WWF, MF. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider until Lake Erie.

The proposed effluent limits for Outfalls 101 and 102 based on a design flow of 0.047 MGD and 0.007 MGD, respectively.

<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		

Outfalls 001—005: These outfalls consist of uncontaminated stormwater only.

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.

PA0031071, Sewage, **Saint Pius X Seminary**, 1000 Seminary Road, Dalton, PA 18414-5947. This proposed facility is located in Dalton Borough, **Lackawanna County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage into Ackerly Creek in Dalton Borough, Lackawanna County. This is an existing discharge.

The receiving stream, wet weather channel to Ackerly Creek, is in the State Water Plan watershed #4 and is classified for TSF. The nearest downstream public water supply intake for PP&L Electric Station is located on Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.020 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH	1.2		
Total Residual Chlorine			2.8

EPA Waiver is in effect.

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

PA0246972, CAFO, **Weiler Farms Partnership**, 350 East Mill Avenue, Myerstown, PA 17067. This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Activity: The Weiler Farm Partnership is a new swine facility with a total AEU's of 817.2. An estimated quantity of total annual manure production is 14,233 tons. The operation will consist of 6,600 wean to finish swine. The plan is to construct three swine finishing floors with each barn holding 2,200 head of swine. The manure will be handled as a liquid and stored in 200' x 80' x 8' deep reinforced concrete underhouse storage. The manure storage will have a total capacity of approximately 2.4 million gallons. The barns will have slotted floors for the transfer of manure to the storage facility. Of the 3,416,058 gallons of liquid manure generated on the farm, 252,000 gallons will be used on the farm with 3,164,058 gallons exported from the farm.

The receiving stream, Trout Run, is in the State Water Plan watershed 7-D and is classified for HQ-CWF.

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

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

PA0042102, Industrial Waste, SIC 2851, **Ranbar Electrical Materials, Inc.**, Route 993, Box 607, Manor, PA 15665-0607. This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Electrical Materials Division in Manor Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Bushy Run, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Western Pennsylvania Water Company, located at Pittsburgh on the Monongahela River, more than 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.014 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
Temperature					74°F
TRC			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.0053 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfalls 004—007: existing discharge, design flow of N/A mgd.

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

The EPA waiver is in effect.

PA0021148, Sewage, **Borough of Mt. Pleasant**, Etze Avenue, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Mt. Pleasant Sewage Treatment Plant in Mt. Pleasant Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 1.5 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Weekly	Maximum Daily
CBOD ₅				
(5-1 to 10-31)	15		22.5	
(11-1 to 4-30)	20		30	
Suspended Solids	30		45	
Ammonia Nitrogen				
(5-1 to 10-31)	2.0		3.0	
(11-1 to 4-30)	3.2		4.8	
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.03			.10
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002, 003, 005, 007, 009, 011 and 012 will be re-permitted as combined sewer overflows. Outfall 002 will be eliminated as a CSO 24 months after permit effective date.

The EPA waiver is not in effect.

PA0035360, Sewage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. This application is for renewal of an NPDES permit to discharge treated sewage from Holiday Park STP in Plum Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Abers Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company—Pittsburgh.

Outfall 001: existing discharge, design flow of 1.52 mgd (summer period) and 2.24 mgd (winter period).

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	25	38		50
Ammonia Nitrogen				
(6-1 to 10-31)	1.9	2.9		3.8
(11-1 to 5-31)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.02			.05
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Copper				
1st Month to 36th Month		Monitor and Report		
37th Month to Expiration	0.02		0.05	

The EPA waiver is not in effect.

PA0036595, Sewage, **Department of Corrections**, 373 Prison Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from State Correctional Institute at Waynesburg STP in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of South Fork Tenmile 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 Tri-County Joint Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.062 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216178, Sewage, **Cecil Township Municipal Authority**, Cecil Township Municipal Building, 3599 Millers Run Road, Cecil, PA 15321. This application is for renewal of an NPDES permit to discharge treated sewage from Cherrybrook Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers 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 West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.09005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.14			0.33
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217760, Sewage, **RoxCoal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Barbara No. 2 Small Flow Sewage Treatment Facility in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Reitz Creek, 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 Hooversville Municipal Authority.

Outfall 001: existing discharge, design flow of 0.00185 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217786, Sewage, **New Eagle Borough Municipal Sewer Authority**, 157 Main Street, New Eagle, PA 15067. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of New Eagle STP in Borough of New Eagle, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, 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 Pennsylvania American Water Works.

Outfall 001: existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean			
Total Residual Chlorine	2,000/100 ml as a geometric mean			
pH	0.5			1.6
	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.

PA0238856, Sewage, **Patti M. Hurta SRSTP**, 4189 Leacock Road, Edinboro, PA 16412. This proposed facility is located at index #45-22-53-17.02 on Kline Road in Washington Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SRSTP serving a single dwelling. Treatment consists of a septic tank, biotube effluent filter, recirculating crushed boiler slag filter and ultraviolet disinfection.

The receiving stream, unnamed tributary of Darrow Creek, is in the Conneauttee Creek watershed and classified for WWF. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider until French Creek, below Cambridge Springs.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

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

The EPA Waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

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

PART II PERMITS

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

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

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

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection.

Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

WQM Permit No. 4502403, Big Ridge Developers, LLC, 130 Buck Road, Holland, PA 18337. This proposed facility is located in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Country Club of the Poconos at Big Ridge, Phase III is a residential development consisting of 499.6 plus or minus total acres in 12 sections containing up to 540 residential lots, 11 holes of an existing golf course, recreational areas and open space. All of the lots within Phase III shall be served by central water and sewer. This application is for a lift station and a low pressure sewer collection system.

WQM Permit No. 3902404, Glenn and Patricia Snyder, 7667 School House Lane, Zionsville, PA 18092-2829. This proposed facility is located in Lower Milford Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of the installation of a single residence sewage treatment plant to replace existing malfunctioning on-lot system.

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

WQM Permit No. 6791415 Amendment 98-1 Transfer 1, Sewerage, CMV Sewage Company, Inc., 300

Bailey Drive, Suite 106, Stewartstown, PA 17363. This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Transfer of ownership from Hollis McKinney, Noss Village to CMV Sewage Company, Inc.

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

Application No 0202410, Sewerage, **McCandless Township Sanitary Authority**, 418 West Arcadia Drive, Pittsburgh, PA 15237. Application for the construction and operation of a sewerage extension to serve the Castletown Plan of lots, located in Franklin Park Borough, **Allegheny County**.

Application No 5602404, Sewerage, **Jane Stitt**, 326 Carriage Court, Freedom, PA 15042. Application for the construction and operation of a single residence sewerage treatment plant to serve the Jane Stitt Residence, located in Indian Lake Borough, **Somerset County**.

Application No 5602405, **James and Phyllis Everts**, 135 Shoreline Drive, Penhook, VA 24137. Application and operation of a single residence sewerage treatment plant to serve the Everts residence, located in Indian Lake Borough, **Somerset County**.

Application No. 6302404, Sewerage, **Patricia Iams**, 4124 Elrama Road, Finleyville, PA 15332. Application for the construction and operation of a small flow sewage treatment plant to serve the Iams property located in Union Township, **Washington County**.

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 PAS10G546, Stormwater, **Genterra/Charles Dobson**, 101 Marchwood Road, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in West Brandywine Township, **Chester County**, to unnamed tributary to West Branch Brandywine Creek (HQ-TSF).

NPDES Permit PAS10G547, Stormwater, **Orleans Corporation**, 3333 Street Road, Suite 101, Bensalem, PA 19020, has applied to discharge stormwater associated with construction activity located in West Bradford Township, **Chester County**, to Broad Run (EV) and West Branch Brandywine Creek (WWF, MF).

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

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q248	William Sell 4337 Hamilton Blvd. Allentown, PA 18104	Lehigh County North and South Whitehall Townships	Hassen Creek HQ-CWF, MF
PAS10Q249	Kay Builders, Inc. 5940 Hamilton Blvd. Wescosville, PA 18106	Lehigh County Lower Macungie Township	Cedar Creek HQ-CWF

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

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS10U181	David Lack Moore Township Board of Supervisors 2491 Community Dr. Bath, PA 18014	Northampton County Moore Township	Monocacy Creek HQ-CWF
PAS10U182	Columbia Gas Transmission Corp. 525 Highlands Blvd. Suite 100 Coatesville, PA 19320	Northampton County Forks and Lower Mt. Bethel Townships	Bushkill Creek HQ-CWF

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

Franklin County Conservation District: 218 N. Second Street Chambersburg, PA 17201 (717) 264-8074.

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS10M097-R	Greencastle Associates, L. P. 2700 Water Street York, PA 17403-9036	Antrim Township Franklin County	Muddy Run HQ-CWF

NOTICE OF INTENT (NOI) FOR COVERAGE UNDER CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) NPDES GENERAL PERMITS

The following parties have submitted: (1) NOIs for Coverage under the Department’s CAFO General NPDES Permit—PAG 12 to develop and operate a facility that may discharge wastewater into the surface waters of this Commonwealth.

The EPA Region III Administrator has not waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24(d).

The notice of intent and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the Regional Office noted. 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 Environmental Protection (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 new or renewal notice of intent, including other 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.

CAFO Notices of Intent Received

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

PAG124816, CAFO, SIC 0213, **Robert C. Boyles, Sr.**, 258 Mountain Road, Muncy Valley, PA 17758. This existing facility is located in Penn and Franklin Townships, **Lycoming County**.

Description of Size and Scope of Existing Operation/Activity: Finishing swine—513.26 AEUs, beef cattle—63 AEUs and a 1.5 million gallon manure storage lagoon.

The receiving stream, Little Indian Run, is in the Muncy Creek watershed (SWP 10D) and is classified for CWF.

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

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 Environmental Protection (Department) of

the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability 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).

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

Permit No. 4002504, Public Water Supply.

Applicant	Pennsylvania Suburban Water Co.
Township or Borough	Conyngham Township Luzerne County
Responsible Official	Richard T. Subasic, Exec. VP Pennsylvania Suburban Water Co. d/b/a Consumers Pennsylvania Water Co. White Haven Division 204 East Sunbury Street Shamokin, PA 17872 (570) 648-5783
Type of Facility	Community Water System
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112-1788 (717) 541-0622
Application Received Date	August 12, 2002
Description of Action	Permitting of a new well to replace the original supply well.

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

Permit No. 1702503, Public Water Supply.

Applicant	Irvona Municipal Authority
Borough	Irvona Borough, Clearfield County
Responsible Official	Donald Morrison, Chairperson Irvona Municipal Authority P. O. Box 247 Berwind Street Irvona, PA 16656

Type of Facility	PWS
Consulting Engineer	Gwin, Dobson, & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	September 24, 2002
Description of Action	Application for construction of membrane filtration plant to treat existing sources

Permit No. 1702502, Public Water Supply.

Applicant	Glen Hope Water Authority
Borough	Glen Hope, Clearfield County
Responsible Official	Norman Diehl, Jr., President Glen Hope Water Authority P. O. Box 116 Glen Hope, PA 16645

Type of Facility	PWS
Consulting Engineer	Gwin, Dobson, & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	September 24, 2002
Description of Action	Application for construction of pressure sand filtration for removal of iron and manganese from existing well.

Permit No. 5590505-T1, Public Water Supply.

Applicant	Pennsylvania Suburban Water Co.
Borough	Monroe Township, Snyder County
Responsible Official	Mark J. Kropilak Pennsylvania Suburban Water Co. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Application Received Date	August 7, 2002
Description of Action	Application for transfer of permit from Monroe Manor Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Well #6 with disinfection

Permit No. 5587501-T1, Public Water Supply.

Applicant	Pennsylvania Suburban Water Co.
Borough	Monroe Township, Snyder County
Responsible Official	Mark J. Kropilak Pennsylvania Suburban Water Co. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Application Received Date	August 7, 2002

Description of Action Application for transfer of permit from Monroe Manor Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Well #5 with disinfection

Permit No. 5581502-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Monroe Manor Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Well #3 with disinfection and modifications to disinfection at Well 1

Permit No. 5581503-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Monroe Manor Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Well #4 with disinfection

Permit No. 5569501-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Monroe Manor Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Well 1 with disinfection, storage tank and original distribution system

Permit No. 5576501-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Rolling Green Water Company to Pennsylvania Suburban Water Company. Permit covers operation of Wells #2 and #3 with disinfection, a pump station, storage tank and original distribution system

Permit No. Minor Amendment-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Rolling Green Water Company to Pennsylvania Suburban Water Company. Permit covers operation of and interconnection with Shamokin Dam Borough

Permit No. Minor Amendment-T1, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received August 7, 2002
 Date

Description of Action Application for transfer of permit from Rolling Green Water Company to Pennsylvania Suburban Water Company. Permit covers operation of a revised interconnection with Shamokin Dam Borough

Permit No. Minor Amendment, Public Water Supply.

Applicant **Pennsylvania Suburban Water Co.**
 Borough Monroe Township, **Snyder County**
 Responsible Official Mark J. Kropilak
 Pennsylvania Suburban Water Co.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Application Received Date August 9, 2002
 Description of Action Application for construction of interconnections between the former Rolling Green Water Company and the Monroe Manor Water Company

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

Permit No. 1002504, Public Water Supply.

Applicant **Stoneworth Apartments, Inc.**
 124 Eastwood Drive
 Butler, PA 16001
 Township or Borough Worth Township, **Butler County**
 Responsible Official Marc A. Fort, Owner
 Type of Facility PWS
 Consulting Engineer Gray Warnick Engineering
 662 West New Castle Road
 Butler, PA 16001
 Application Received Date September 25, 2002
 Description of Action Construction of a water supply system to service a proposed apartment complex, including wells, raw water storage and treatment facilities.

MINOR AMENDMENT

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

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

Application No. 2400066, Minor Amendment.

Applicant **Pennsylvania Suburban Water Co.**
 Township or Borough Conyngham Township
Luzerne County

Responsible Official Richard T. Subasic, Exec. VP
 Pennsylvania Suburban Water Co.
 d/b/a Consumers Pennsylvania Water Co.
 White Haven Division
 204 East Sunbury Street
 Shamokin, PA 17872
 (570)-648-5783

Type of Facility Community Water System
 Consulting Engineer Ann Kyper Reynolds, PE
 CET Engineering Services
 321 Washington Street
 Huntington, PA 16652
 (814) 643-8260

Application Received Date September 12, 2002

Description of Action Construction of a new 41,000 gallon finished water storage tank and replacement of 4200 feet of distribution main.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area,

the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Former Triangle Lumber Co. Facility, Richland Township, **Bucks County**. Joseph J. McGovern, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Nelson Properties, Irwin Kroiz, Pres., 610 W. Germantown Pike, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Allentown Morning Call* the week of September 23, 2002.

Former Alfa Laval Inc. Site, Warminster Township, **Bucks County**. David Kistner, URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422, on behalf of 955 Mearns Associates, LP, Alan Werther, 1200 River Rd., Conshohocken, PA 19428, has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents, inorganics and other organics. The applicant proposes to remediate the site to meet Statewide Health and Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on August 27, 2002.

10 Oak Street, Conshohocken Borough, **Montgomery County**. Terrence J. McKenna, Keating Environmental, 479 Thomas Jones Way, Suite 700, Exton, PA 19341, on behalf of Keating Development Co., Tracy B. Greer, One Bala Ave., Suite 400, Bala Cynwyd, PA 19004, has submitted an amended Notice of Intent to Remediate soil contaminated with inorganics and PAH; and groundwater contaminated with inorganics and other organics. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 16, 2002.

3742 Main Street, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of 3780 Main Associates, LP, Tina Roberts, 1 Reed St., Philadelphia, PA 19147, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, PAH and PCB. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Stan-

dards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 23, 2002.

Former Hoffman Market, City of Philadelphia, **Philadelphia County**. James H. Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Bldg., Suite 3, Glenmoore, PA 19343, on behalf of NA, Jerome Blum, 1719 West End Drive, Philadelphia, PA 19151, has submitted a Notice of Intent to Remediate soil contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Mainline Times* on October 1, 2002.

Sun Chemical Corporation, City of Philadelphia, **Philadelphia County**. Richard J. Tobia, P.E., LFR Levine Fricke, 35 Columbia Rd., Branchburg, NJ 08876, on behalf of Sun Chemical Corp., 135 West Lake St., Northlake, IL 60164, has submitted a Notice of Intent to Remediate groundwater contaminated with solvents, BTEX and PHC. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on July 19, 2002.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Sickler Residence, Choconut Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has electronically submitted a Notice of Intent to Remediate (on behalf of Scott Sickler, R. R. 1, Friendsville, PA) concerning the remediation of soils found or suspected to have been contaminated with diesel fuel, hydraulic fluids, gear oil and antifreeze as the result of a vehicular accident that occurred on the subject property. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Susquehanna County Independent* on or about September 25, 2002.

Pearson Property, Lake Township, **Luzerne County**. James Sposito, Quad Three Group, Inc., 116 North Washington Avenue, Scranton, PA 18503 has electronically submitted a Notice of Intent to Remediate (on behalf of Pamela Pearson, Loyalville Outlet Road, Harveys Lake, PA) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate will reportedly be published in the *Dallas Post* on or about October 1, 2002.

Altamos Fuel Oil Company Terminal Property, City of Allentown, **Lehigh County**. Michael Cody, Project Director, Code Ehlers Group, 140 Sherman Street, Fairfield, CT 06430 has submitted a Notice of Intent to Remediate (on behalf of Louis Dreyfus Corporation, 20 Westport Road, Wilson, CT 06897) concerning the remediation of no. 2 fuel oil, kerosene and leaded gasoline constituents in soils and no. 2 fuel oil and leaded gasoline constituents in groundwater. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Morning Call* on or about September 11, 2002.

Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.

North Penn Gas Company Buckwheat Hollow Check EK-5, Lawrence Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

North Penn Gas Company Learn #1 Well TW-205, Farmington Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

North Penn Gas Company Leslie Well TW-207, Farmington Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

North Penn Gas Company Meeker to Elms Meter/Regulator Station M-57, Farmington Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

North Penn Gas Company Petticrew Well MW-508, Farmington Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

North Penn Gas Company Treat Well TW-300, Farmington Township, **Tioga County**. PPL—North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro-Mansfield Gazette* on September 11, 2002.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

MetalTech, City of Pittsburgh, **Allegheny County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of The Techs, 20 Stanwix Street, Suite 620, Pittsburgh, PA 15222) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, PAHs and VOCs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Tribune Review* on May 24, 2002.

Duquesne Power, Inc., Hopewell Township, **Beaver County**. Michael Edelman, URS Corporation, 2325 Maryland Road, Willow Grove, PA 19090 (on behalf of Bet-Tech International Inc., 1150 Brodhead Road, Monaca, PA 15061 and Duquesne Power, Inc., 411 Seventh Avenue, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Undetermined. The applicant proposes to remediate the site to meet the Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on July 22, 2002.

Armstrong Landing, City of Pittsburgh, **Allegheny County**. Scott Rasmussen, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of CDC Properties, Inc., 15 27th Street, Pittsburgh, PA 15222) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, BTEX, PAHs, chlorinated hydrocarbons and arsenic. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on July 18, 2002.

United Airlines, Stoneycreek Township, **Somerset County**. Steven P. Lewandowski, Environmental Resources Management, Inc., 11676 Perry Highway, Suite 3300, Wexford, PA 15090 (on behalf of Tim Lambert, 2012 Forge Drive, Aliquippa, PA 15001; Larry Hoover, 6677 Glades Pike Road, Somerset, PA, 15501; Mike Svonavec, Casselman Enterprises, 150 West Union Street, Somerset, PA, 15501; and United Airlines, 1200 E. Algonquin Road, Elk Grove Village, IL 60007) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with the Department Short List of COPCs for Jet Fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily American*, Somerset, PA on August 30, 2002.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Mellon Bank Site, City of Butler, **Butler County**. CD, 2740 Smallman St., Suite 100, Pittsburgh, PA 15222 (on behalf of Citizens Bank, 53 State St., MBS920, Boston, MA 02109) has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Butler Eagle* on September 21, 2002.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with 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.

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.

09-0124D: Fairless Energy, LLC (Fairless Works Energy Center, Fairless Hills, PA 19030) for the transfer and use of VOCs emission reduction credits in Falls Township, **Bucks County**.

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

66-301-010: J H Jones Crematory (2 Twin Drive, Tunkhannock, PA 18657) for construction of a crematory on Sunnyside Road, Tunkhannock Township, **Wyoming County**.

40-313-046: Fabri-Kal Corp. (150 Lions Drive, Hazleton, PA 18202) for installation of air cleaning devices to control a plastics regrind operation in Hazle Township, **Luzerne County**.

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

14-318-001B: Spectra Wood (2651 Carolean Industrial Drive, State College, PA 16801) for modification of a wood furniture finishing operation by increasing its allowable VOC emission rate from 12 tons per year to 24 tons per year in College Township, **Centre County**.

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

25-972A: Insul Board (2120 Colonial Avenue, Erie, PA 16505) for post-construction of a molding machine and boiler in Erie, **Erie County**.

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

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

09-124D: Fairless Energy, LLC, owned by **Dominion Energy, Inc.** (5000 Dominion Boulevard, Glen Allen, VA 23060) to transfer and use of 12.8 tons per year (tpy) of VOCs emission reduction credits (ERCs) as emission offsets for future projects under 25 Pa. Code § 127.208(2). The 12.8 tpy of VOC ERCs are the result of the shutdown of presses at Superpac, Inc., Southampton Township, **Bucks County**. Fairless Energy, LLC, which is a major facility subject to the emission offset requirements of 25 Pa. Code Chapter 127, Subchapter E. Plan Approval No. 09-124D does not authorize the construction, modification, reactivation or installation of any source at this facility.

09-0087B: Air Products and Chemicals, Inc. (351 West Philadelphia Avenue, Morrisville, PA 19067) for modification of an existing source at their Morrisville Plant (previously known as Solkatronic Chemicals) in Falls Township, **Bucks County**. This is a minor facility. The modifications include: an increase in hourly production rate of silicon tetrafluoride (SiF₄) to 28 pounds per hour; an increase in annual production rate to 123,000 pounds per year; an increase in hours of operation to 8,760 hours per year; construction of a secondary air emission containment system; and the upgrading of an existing scrubber. As a requirement of the plan approval, the production of silicon tetrachloride and trichlorosilane will cease at the Morrisville Plant and the trichlorosilane lines exhausting to the current scrubber will be disconnected before any SiF₄ production increase under this plan approval is allowed. Emissions will be limited to 1.0 ppmv of SiF₄ and 4.0 ppmv of hydrogen fluoride. The plan approval will require stack tests to be performed. Appropriate monitoring and recordkeeping requirements will be included.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffko, Facilities Permitting Chief, (570) 826-2531.

39-304-007B: Ransom Industries, LP (Tyler Pipe-Penn Division, 101 North Church Street, Macungie, PA 18062) for installation and operation of an air cleaning device (fabric collector) to control particulate emissions from the sand handling operations including the casting cooler conveyor in the Borough of Macungie, **Lehigh**

County. The fabric collector replaces an existing air cleaning device (venturi scrubber). The facility is a non-Title V facility. The particulate emissions from the new fabric collector will not exceed the best available technology standard of 0.01 grain/DSCFT (14.2 tons per year). In addition, the operation of the sand handling operations including the casting cooler conveyor will result in the emission of 11.1 tons per year of VOCs. The plan approval will include stack testing, monitoring, reporting and record-keeping requirements designed to keep the sources operating within all applicable air quality requirements.

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

36-05119A: Signature Custom Cabinetry, Inc. (434 Springville Road, Ephrata, PA 17522) for construction of a paint booth for coating wood furniture parts in Ephrata Township, **Lancaster County**.

36-05124: Guyon Industries, Inc. (1344 North Penryn Road, Manheim, PA 17545) for construction of a roll coater at their lumber prefinishing facility in Penn Township, **Lancaster County**. The facility is a non-Title V (State only) facility. The facility's potential annual emissions of VOC will be 65 tons. The plan approval will contain emission restrictions and work practice standards, as well as monitoring, recordkeeping and reporting requirements.

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

62-0017H: United Refining Co. (15 Bradley Street Warren, PA 16365) for modification of the FCC Charge heater, DHT1 Unit and the DHT2 Unit in Warren, **Warren County**. The modifications are necessary to meet the EPA Low Sulfur Gasoline Requirements. The modifications include installation of Low NOx Burners on the FCC Charge Heater, installation of piping heat exchangers and new pumps. No significant increase of emissions will result from the LSG Project. The project will increase emissions of VOC and NOx by 33.4 TPY and 32.4 TPY, respectively. This includes the contemporaneous increases and decreases since 1991. The SO₂ emissions from the facility have decreased from this project as well as during the contemporaneous period by approximately 91.2 TPY. The CO and TSP emissions from the modifications will increase by 7.4 TPY and 2.1 TPY, respectively. The PM-10 emissions from the modifications will increase by 2 TPY. The project does not trigger NSR or PSD based on the emission increases. The plan approval will include conditions to ensure compliance with Subpart J and GGG of the Standards of Performance for New Stationary Sources as well as Subpart CC of the National Emission Standards for Hazardous Air Pollutants. The approval also includes emission limits for the FCC Charge heater and requires stack tests to demonstrate compliance with the limits. The permit contains limitations pertaining to fugitive, odor and visible emissions. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The original Title V Operating Permit (No. 62-00017) was issued on December 26, 2000, revised on March 21, 2001, and again on December 18, 2001. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

OPERATING PERMITS

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

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

49-00006: Viking Energy of Northumberland (R. D. 2, P. O. Box 482D, Cannery Road, Northumberland, PA 17857) for operation of their steam/electric cogeneration facility in Point Township, **Northumberland County**. The facility's sources include a wood waste/natural gas fired stoker boiler, 15 natural gas fired space heaters, a diesel fired emergency generator, wood waste handling operations, ash handling operations and a parts washer, which have the potential to emit major quantities of NOx, CO and PM₁₀. The facility has the potential to emit SOx, VOCs and HAPs below the major emission thresholds. The facility is subject to all applicable regulatory requirements of reasonably available control technology for NOx emissions. In addition, the stoker boiler is subject to compliance assurance monitoring requirements specified in 40 CFR Part 64. The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. The facility is currently operating under Title V Operating Permit No. 49-00006, which was issued September 30, 1997. This is a renewal of their Title V Operating Permit.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

00-006: Cardone Industries—Plants 11-14 and 20 (5660 Rising Sun Avenue/321 Chew Street, Philadelphia, PA 19120) for operation of an automotive parts remanufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include 10 spray booths, 12 steel shot blasting units, 21 combustion units, each less than or equal to 5.3 mmBtu/hr, 12 cold cleaning degreasers, a distillation unit and 2 settling tanks for used solvent, a holding tank for recovered solvent and a vapor condenser.

00-005: Cardone Industries—American Street Facility, Plants 1, 4/18, 6-8 (4443 North American Street, Philadelphia, PA 19140) for operation of an automotive parts remanufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include two combustion units, each less than or equal to 1.5 mmBtu/hr, 12 cold cleaning degreasers and a touch-up spray booth.

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

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

06-03054: Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505) for operation of a limestone processing facility in Colebrookdale Township, **Berks County**. Annual emissions of PM₁₀ from the facility are expected to be about 5 tons per year. The Natural Minor Operating Permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emis-

sion restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

06-03059: Charles Evans Cemetery Corp. (1119 Centre Avenue, Reading, PA 19606) for operation of two crematories in the City of Reading, **Berks County**. The facility has the potential to emit 1.5 tons per year of NO_x; 0.5 ton per year of CO; 0.5 ton per year of particulate matter; 0.3 ton per year of VOCs; and negligible amounts of SO_x. The Natural Minor Operating Permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

26-00177: Golden Eagle Construction Co. (P. O. Box 945, Uniontown, PA 15401) for operation of their Coolspring asphalt plant in North Union Township, **Fayette County**.

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

20-00175: Cardinal Home Products, Tel-O-Post Division (205 North Pymatuning Street, Linesville, PA 16124) for operation three surface coating lines in Linesville Borough, **Crawford County**.

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

46-000181: Porter Process Co. (1600 Industry Road, Hatfield, PA 19440) for a PTFE etching facility in Hatfield Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The permit will include monitoring, recordkeeping and reporting requirements 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, 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

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

03910107 and NPDES Permit No. PA 0200018. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for reclamation only of an existing bituminous surface mine located in Washington Township, **Armstrong County**, affecting 126.7 acres. Receiving streams: unnamed tributaries to Allegheny River and Limestone Run, classified for WWF. The first potable water supply intake within 10 miles downstream from the point of discharge is Pennsylvania American Water Company. Renewal application received September 19, 2002.

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

05773002 and NPDES Permit No. PA0605964. Dash Coal Company, Inc., P. O. Box 517, Stoystown, PA 15563-0517, permit revision to utilize biosolids to enhance vegetation and for discharge of treated mine drainage in Broadtop Township, **Bedford County**, affecting 258.5 acres. Receiving streams: unnamed tributary to Shreves

Run; unnamed tributary to Six Mile Run; Six Mile Run; and Shreves Run classified for WWF. The first downstream potable water supply intake from the point of discharge is Saxton Borough Water Authority Great Trough Creek #2 intake. Application received September 10, 2002.

56860106 and NPDES Permit No. PA0597716. Three S Coal Company, Box 337, Stoystown, PA 15563, permit renewal for continued restoration of a bituminous surface and auger mine for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 57.5 acres. Receiving streams: unnamed tributary to and Coal Run and Dark Shade Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Water Authority Border Dam water intake. Application received September 20, 2002.

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

10970103 and NPDES Permit No. PA 0227374. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip and use of coproduct operation in Oakland Township, **Butler County** affecting 77.0 acres. Receiving streams: two unnamed tributaries to Pine Run, classified for WWF and one unnamed tributary to Connoquenessing Creek, classified for HQ-WWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application for reclamation only. Application received September 25, 2002.

10920107 and NPDES Permit No. PA 0211295. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface strip and auger operation in Clay and Cherry Townships, **Butler County** affecting 94.3 acres. Receiving streams: two unnamed tributaries to South Branch Slippery Rock Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received September 25, 2002.

33960105 and NPDES Permit No. PA 0227234. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip in Oliver Township, **Jefferson County** affecting 21.2 acres. Receiving streams: unnamed tributary to Lick Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received September 25, 2002.

33970109 and NPDES Permit No. PA 0227498. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip in Oliver Township, **Jefferson County** affecting 85.2 acres. Receiving streams: unnamed tributaries to Lick Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received September 25, 2002.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

8274SM1A2C5 and NPDES Permit PA0595705. D. M. Stoltzfus & Son, Inc. (P. O. Box 84, Talmage, PA

17580), renewal of NPDES Permit in Upper Leacock and Manheim Townships, **Lancaster County**. Receiving stream: unnamed tributary to Conestoga River classified for WWF. The first downstream potable water supply intake from the point of discharge is City of Lancaster. Application received September 25, 2002.

4873SM1A1C7 and NPDES Permit PA0020451. LWB Refractories Co. (320 North Baker Road, York, PA 17404), renewal of NPDES Permit in West Manchester Township, **York County**. Receiving stream: unnamed tributary to Codorus Creek and unnamed tributary to Honey Run classified for WWF and TSF. Application received September 26, 2002.

Coal Applications Withdrawn

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

49850701T. Hecla Machinery & Equipment Co., Inc. (P. O. Box 559, Schuylkill Haven, PA 17972), withdrawal of an application for transfer of a coal refuse disposal operation from Reading Anthracite Company in Coal Township, **Northumberland County** affecting 29.8 acres, receiving stream: none. Application received April 12, 2002. Application withdrawn: September 25, 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

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

E23-427. Pennsylvania Suburban Water, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489, Nether Providence and Springfield Townships, **Delaware County**, ACOE Philadelphia District.

To modify and maintain the existing Crum Water Treatment Plant facility, which is located in and along the 100-year floodplain of Crum Creek (WWF). Work will include the construction of a new chlorine scrubber, two new 48-inch water lines, a residual basin, a flocculation/sedimentation basin and a pumping station. The site is located at 965 Beatty Road (Lansdowne, PA USGS N: 19.0 inches; W: 16.25 inches).

E51-176. Capital Programs Office, 1515 Arch Street, 11th Floor, One Parkway Building, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following activities along an approximately 5,500 linear foot section of the Manayunk Canal (WWF) situated within the 100-year floodplain of the Schuylkill river and associated with phase III of the Manayunk Canal Restoration Project:

1. To remove approximately 5,500 linear feet of deteriorated timber, stone and steel sheet piling retaining wall along the northern and southern banks of the canal and to construct and maintain, in its place, new steel soldier pile and timber lagging retaining wall.

2. To repair, reconstruct and maintain a section of an existing timber boardwalk located between Leverington Street and Fountain Street.

3. To repair, reconstruct and maintain the existing stormwater outfall structures and associated retaining walls at the Leverington Street.

4. To dredge and maintain approximately 7,000 cubic yards of accumulated sediment from various sections of the canal located in the vicinity of Fountain Street and Leverington Street.

5. To install and maintain towpath amenities including landscaping, lighting, benches and trash receptacles from Lock Street to Fountain Street.

6. To install and maintain water flow improvements including the installation of piping and valves at the Sluice House No. 68.

This project also includes the installation and maintenance of a temporary cofferdam structures. The site is located adjacent to the Schuylkill River starting at Flat Rock Road (Germantown, PA USGS Quadrangle N: 3.75 inches; W: 13.3 inches) and terminates just east of Cotton Street (Germantown, PA USGS Quadrangle N: 3.75 inches; W: 13.3 inches).

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

E13-135. Norfolk Southern Corporation, 99 Spring Street, Atlanta, PA 30303-0142, in Borough of Jim Thorpe and Mahoning Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain a five-span railroad bridge across the Lehigh River (TSF) and Lehigh Canal (CWF) with work consisting of replacement of stringers and crossbracing; repairs to abutments, piers and main girders; and the construction of two temporary causeways. The project is located approximately 3,800 feet southwest of the intersection of SR 0209 and SR 0903 (Lehighon, PA Quadrangle N: 20.7 inches; W: 13.7 inches).

E40-610. Four Seasons Golf Club, LLC c/o Gotham Golf Partners, 575 E. Chocolate Avenue, Hershey, PA 17033, in Exeter Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain three single-span golf cart bridges across Hicks Creek (CWF), for the purpose of replacing existing structures that will be removed as a result of constructing the Exeter Borough Flood Protection Project (DGS 182-5), which is being constructed under Department Permit No. E40-303. Two of the bridges will have a span of 48 feet and one will have a span of 52 feet. Each bridge will have an underclearance of 8 feet. The project is located at the Four Seasons Golf Club, upstream of Sturmer Street (Pittston, PA Quadrangle N: 13.8 inches; W: 11.0 inches).

E64-236. County of Wayne, 925 Court Street, Honesdale, PA 18431, in Honesdale Borough, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain an existing single-span bridge, having a span of approximately 25.8 feet and an underclearance of approximately 7.5 feet, across Carly Brook (HQ-CWF). Work will include repair of the right concrete abutment and placement of riprap along the abutment for scour protection. The bridge, known as the Axe Factory Bridge, is located along East Tryon Street (T-738), approximately 800 feet upstream of the confluence of Carly Brook and the Lackawaxen River (White Mills, PA Quadrangle N: 11.5 inches; W: 16.4 inches).

E64-234. County of Wayne, 925 Court Street, Honesdale, PA 18431, in Buckingham and Scott Townships, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain an existing single-span bridge, having a span of approximately 20 feet and an underclearance of 11.1 feet, across Balls Creek (HQ-CWF). Work will include repair of the concrete abutments and wingwalls and placement of riprap scour protection along the abutments. The bridge, known as the Balls Eddy Bridge, is located along T-738, approximately 700 feet upstream of the confluence of Balls Creek and the West Branch Delaware River (Hancock, NY-PA Quadrangle N: 17.0 inches; W: 11.8 inches).

E48-329. Department of Conservation and Natural Resources, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105-8451, in City of Easton, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain an amphitheater consisting of a series of terraces constructed as low retaining walls in a semi-circle around a circular concrete stage in the 100-year floodplain located southwest of the confluence of the

Lehigh and Delaware Rivers (Easton, PA-NJ Quadrangle N: 11.4 inches; W: 11.2 inches).

E54-301. Schuylkill County, 401 North Second Street, Pottsville, PA 17901, in South Manheim Township, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain an adjacent concrete box beam bridge having a single span of 50 feet and an underclearance of approximately 5 feet across Bear Creek (CWF). The project is located along Township Road T-676 (Woodland Drive), just south of SR 0895 (Auburn, PA Quadrangle N: 21.4 inches; W: 16.1 inches).

E48-330. Borough of Bath, P. O. Box 37, Bath, PA 18014, in Borough of Bath, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove a concrete pier at the site of a former railroad bridge and to construct and maintain a public pedestrian bridge having a single span of 38 feet and an underclearance of 6 feet across Monacacy Creek (CWF) for the purpose of providing a connection between a new park and the Borough's town center. The project is located between Northampton Street and West Main Street, approximately 600 feet west of SR 0512 (Catasauqua, PA Quadrangle N: 18.5 inches; W: 2.8 inches).

E45-436. Maria Giacalone, R. R. 1, Box 405M, Canadensis, PA 18325, in Barrett Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain: (1) a pedestrian bridge having a single span of 40 feet and an underclearance of approximately 4.6 feet across Goose Pond Run (HQ-CWF) for the purpose of providing access to a proposed gymnasium; and (2) two stormwater outfall structures in the floodway of Goose Pond Run. The project is located on the eastern side of SR 0390, approximately 0.5 mile northeast of SR 0447 (Skytop, PA Quadrangle N: 13.3 inches; W: 16.8 inches).

E58-245. Forest Lake Township, Ridge Road, Montrose, PA 18801, in Forest Lake Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing of a tributary to Middle Branch Wyalusing Creek (CWF), consisting of an 8-foot diameter steel culvert. Work includes construction of riprap-lined channel sections extending upstream and downstream of the culvert, for a total linear impact of approximately 190 feet. The project is associated with the relocation of Stewart Road at its intersection with SR 0267, located approximately 4,500 feet southwest of the intersection of SR 0267 and SR 4014 (Friendsville, PA-NY Quadrangle N: 2.8 inches; W: 2.3 inches).

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

E14-433. Bellefonte Borough, 236 West Lamb Street, Bellefonte, PA 16823. Spring Creek Fill, in Bellefonte Borough, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 7.5 inches; W: 4.9 inches).

To construct and maintain three sewer interceptor access pads made of onsite soil and clean limestone riprap

in the right floodway of Spring Creek located 750 feet north of the intersection of West Lamb and North Water Streets. The recently placed fill and the proposed stabilization of the fill is in a reach of Spring Creek that is designated as a wild brown trout cold water fishery.

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

E56-320. Diamond Shine, Inc., P. O. Box 3107, LaVale, MD 21504. Somerset Borough, **Somerset County**, ACOE Pittsburgh District.

To operate and maintain a carwash facility and the associated fill along the left bank of an unnamed tributary to Coxes Creek. The project is located along SR 601 (North Center Avenue) approximately 600 feet south of Pennsylvania Turnpike Bridge (Somerset, PA Quadrangle N: 3.1 inches; W: 10.9 inches).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

NPDES Permit No. PA0034118, Sewage, **Blue Ridge Real Estate Company**, P. O. Box 707, Blakeslee, PA 18610-0707. This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

NPDES Permit No. PA0060186, Sewage, **Elk Meadows Homeowners Association**, R. R. 1, Uniondale, PA 18470. This proposed facility is located in Herrick Township, **Susquehanna County**.

Description of Proposed Action/Activity: to renewal of NPDES Permit to discharge treated sewage to unnamed tributary to Tunkhannock Creek.

NPDES Permit No. PA-0064173, Sewage, **Heisler's Cloverleaf Dairy, Inc.**, Box 1169, Tamaqua, PA 18252. This proposed facility is located in Walker Township, **Schuylkill County** and discharges to Beaver Creek.

Description of Proposed Action/Activity: Issuance of new NPDES Permit.

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

NPDES Permit No. PA0029335, Sewage, **PA Lions Beacon Lodge Camp**, 114 SR 103 South, Mount Union, PA 17066. This proposed facility is located in Wayne Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Sugar Valley Run in Watershed 12A.

NPDES Permit No. PA0021776, Sewage, **Fairfield Municipal Authority**, P. O. Box 705, Fairfield, PA 17320. This proposed facility is located in Hamiltonban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Spring Run Creek in Watershed 13D.

NPDES Permit No. PA0086908, Sewage, **Middle Creek Bible Conference, Inc.**, P. O. Box 1, Cascade, MD 21719-0001. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Middle Creek in Watershed 13-D.

NPDES Permit No. PA0053198 and WQM Permit No. 0688422, Sewerage, **Michael E. Borchelt**, 2240 Farmington Avenue, Boyertown, PA 19512. This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of permits.

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 construction/operation of The Townes at Hershey Road Pump Station.

NPDES Permit No. PA0009920, Industrial Waste, **AmerGen Energy Company, LLC**, Route 441 South, P. O. Box 480, Middletown, PA 17057. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7G.

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

NPDES Permit No. PA0040835, Industrial Waste, SIC 0921, **Fish and Boat Commission, Benner Spring Fish Research Station**, 1225 Shiloh Road, State College, PA 16801-8495. This facility, the Bellefonte Fish Culture Station, is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Bellefonte Fish Culture Station. The final permit was issued with significantly more stringent effluent limitations on CBOD₅ and total suspended solids than those established on the existing permit and with a condition which will control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the existing permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. Also, the permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0010553, Industrial Waste, SIC 0921, **Fish and Boat Commission, Benner Spring Fish Research Station**, 1225 Shiloh Road, State College, PA 16801-8495. This facility, the Benner Spring Fish Culture Station, is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Benner Spring Fish Culture Station. The final permit was issued with significantly more stringent effluent limitations on CBOD₅ and total suspended solids than were established on the published draft and with a condition which would control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the existing permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. The permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0039144, Industrial Waste, SIC 0921, **Fish and Boat Commission**, 96 State Route 244 East, Coudersport, PA 16915-9646. This facility, the Oswayo Fish Culture Station, is located in Oswayo Township, **Potter County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Oswayo Fish Culture Station. The final permit was issued with more stringent effluent limitations on CBOD₅ and total suspended solids than were established on the published draft and with a condition which would control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the existing permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. The permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0010561, Industrial Waste, SIC 0921, **Fish and Boat Commission, Benner Spring Fish Research Station**, 1225 Shiloh Road, State College, PA 16801-8495. This facility, the Pleasant Gap Fish Culture Station, is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Pleasant Gap Fish Culture Station. The final permit was issued with significantly more stringent effluent limitations on CBOD₅ and total suspended solids than were established on the published draft and with a condition which would control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the existing permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. The permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0112127, Industrial Waste, SIC 0921, **Fish and Boat Commission, Benner Spring Fish Research Station**, 1225 Shiloh Road, State College, PA 16801-8495. This facility, the Tylersville Fish Culture Station, is located in Logan Township, **Clinton County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Tylersville Fish Culture Station. The final permit was issued with essentially the same effluent limitations and controls on trout production as established in the draft permit. The final permit contains a condition, which will control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the draft permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. The permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0044032, Industrial Waste, SIC 0921, **Fish and Boat Commission, Benner Spring Fish Research Station**, 1225 Shiloh Road, State College, PA 16801-8495. This facility, the Upper Spring Creek Fish Culture Station, is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of NPDES permit for the Upper Spring Creek Fish Culture Station. The final permit was issued with somewhat more stringent effluent limitations on CBOD₅ and total suspended solids than were established on the published draft and with a condition which would control the use of therapeutic chemicals based upon toxicity studies to be conducted by the permittee. The requirement in the existing permit for the permittee to perform biological assessments in the receiving stream has not been included in this reissued permit. The Department has determined that it is more effective to conduct those studies itself. The permit was issued for a 3 year term, to allow for the incorporation of future treatment technology improvement and compliance schedules.

NPDES Permit No. PA0009202, Industrial Waste, SIC 3351 and 3362, **Cerro Metal Products Company**, P. O. Box 388, Route 144, Bellefonte, PA 16823-0388. This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Activity: Renewal of Major Industrial Waste NPDES Permit for the Cerro Metal Products Company Bellefonte Plant.

NPDES Permit No. PA0008923, Industrial Waste, SIC 3229, **Corning Asahi Video Products Company**,

3500 West College Avenue, P. O. Box 9, State College, PA 16801-0009. This existing facility is located in College Township, **Centre County**.

Description of Proposed Activity: Renewal of Major Industrial Waste NPDES Permit for the Corning Asahi Video Products Company State College Plant.

NPDES Permit No. PA0028665, Sewage, SIC 4952, **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740. This facility is located in Jersey Shore Borough, **Lycoming County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit for municipal wastewater treatment facilities.

NPDES Permit No. PA0025933, Sewage, SIC 4952, **City of Lock Haven**, 20 East Church Street, Lock Haven, PA 17745-2559. This facility is located in the City of Lock Haven, **Clinton County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit for municipal wastewater treatment facilities.

NPDES Permit No. PA0027057, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Activity: Renewal of Major NPDES Permit for the Williamsport Sanitary Authority Central Plant.

WQM Permit No. 5302401, Sewerage, SIC 4952, **Abbott Township**, 1431 Germania Road, Galeton, PA 16922. This proposed facility is to be located in Abbott Township, **Potter County**.

Description of Proposed Action/Activity: Construction of individual septic tanks, small diameter gravity collection sewer system, recirculating open sand filter and UV disinfection to serve the Village of Germania. Discharge will be to the Germania Branch of Kettle Creek via diffused effluent line.

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

NPDES Permit No. PA0028673, Sewage, **Gallitzin Borough Sewer and Disposal Authority**, 411 Convent Street Suite 10, Gallitzin, PA 16641 is authorized to discharge from a facility located at Borough of Gallitzin Wastewater Treatment Plant, Gallitzin Township, **Cambria County** to receiving waters named Bradley Run.

NPDES Permit No. PA0090913, Sewage, **Independence Township Municipal Authority**, P. O. Box 156, Avella, PA 15312 is authorized to discharge from a facility located at P&W Patch STP, Independence Township, **Washington County** to receiving waters named unnamed tributary of Cross Creek.

NPDES Permit No. PA0204854, Sewage, **Knob Vue Estates, Inc.**, 40 Metz Hill Road, Freedom, PA 15042 is authorized to discharge from a facility located at Knob Vue Estates STP, New Sewickley Township, **Beaver County** to receiving waters named unnamed tributary of Pine Run.

Permit No. 566S051-A2, Sewerage, **Borough of Patton**, P. O. Box 17, Patton, PA 16668. Construction of wastewater treatment plant additions/alterations, water treatment facility addition, pump station replacement/modifications, force main additions/replacements located

in Patton Borough, **Cambria County** to serve Patton Borough Wastewater Treatment Plant, Palmer Avenue Pump Station, Highland Avenue Pump Station, Patton Borough Water Treatment Plant.

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

WQM Permit No. 2002413, Sewerage, **Jason and Lisa Carr**, 5759 Beaver Street, Springboro, PA 16435. This proposed facility is located in Conneaut Township, **Crawford County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G059-R	Spring Run Estates Ole Telegraph Rd., R. D. 7 Coatesville, PA 19320	Chester	West Caln Township	West Branch Brandywine Creek HQ
PAS10G434	Charles Hurchalla 223 Autumn Drive Exton, PA 19341	Chester	Upper Uwchlan Township	March Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N037	Spring Brook Township R. R. 4, Box 4239 Route 307 Moscow, PA 18444	Lackawanna	Spring Brook Township	Unnamed tributary to Trout Run HQ-CWF
PAS10S065-2	Stroudsburg Municipal Authority 410 Stokes Ave. East Stroudsburg, PA	Monroe	Pocono and Paradise Townships	Pocono Creek HQ-CWF Cranberry Creek HQ-CWF Bulger Run HQ-CWF Scott Run HQ-CWF Transue Creek HQ-CWF Swiftwater Creek HQ-CWF
PAS10U172	Ashley Development Corp. 559 Main St. Bethlehem, PA 18018	Northampton	Williams Township	Frya Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U170	Hidden Tall Oaks II, L. P. T. J. Land Development, LLC General Partner 4383 Hecktown Rd. Suite J Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAS10U176	Jandy Partnership Jandy Properties, LLC 819 Nazareth Pike P. O. Box 265 Nazareth, PA 18064	Northampton	East Allen Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101708R	Clearfield Foundation 126 East Market St. Clearfield, PA 16830	Clearfield	Lawrence Township	West Br. Susquehanna River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Stream</i>
PAS10W087	Faith United Presbyterian Church 97 East Chestnut Street Washington, PA 15301	Washington County South Strabane Township	UNT of Little Chartiers Creek HQ-WWF

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.

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

NOTICES

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PAG-11 (To Be Announced)
 PAG-12 Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG 2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
McKean County Foster Township	PAR104113	Glenn McCrea National Fuel Gas Supply Corp. 1100 State Street Erie, PA 16501	Bolivar Run CWF	Department of Environmental Protection (814) 332-6942
Butler County Adams and Cranberry Townships	PAR10E172	Southern Valley Commons, LP Charles Betters 34678 Broadhead Road Monaca, PA 15061-2500	Tributary to Kauffman Run WWF	Butler Conservation District (724) 284-5270
Butler County Adams Township	PAR10E190	Adams Pointe Construction Richard Dorothy 1000 Adams Point Blvd. Mars, PA 16046	Breakneck Creek WWF	Butler Conservation District (724) 284-5270
New Garden and Franklin Townships Chester County	PAR10G489	Wilkinson Heritage, LLC 1020 Broad Run Road Landenberg, PA 19350	White Clay Creek TSF, MF, CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Collingdale Borough Delaware County	PAR10J237	Redwood Holdings 1930 E. Marlton Pk. Suite R-3 Cherry Hill, NJ 08003	Hermesprotta Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T820	Heritage Building Group, Inc. 3326 Old York Rd. Suite A100 Furlong, PA 18925	Sanatoga Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T860	The Cutler Group 5 Sentry Parkway Suite 100 Blue Bell, PA 19422	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAR10T870	Michael Anthony Homes 505 1/2 Germantown Pike Lafayette Hills, PA 19444	Perkiomen Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Old Forge Borough	PAR10N138	Jack Hatala 611 Grace St. Old Forge, PA 18517	St. John's Creek CWF	Lackawanna County Conservation District (570) 281-9495
Northampton County Lower Nazareth Township	PAR10U188	Jandy Partnership 819 Nazareth Pike Nazareth, PA 18064	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Northampton County Lehigh Township	PAR10U083R	Lee Williams 1590 Canary Rd. Quakertown, PA 18951	Hokendauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County Lehigh Township	PAR10U189	Eugene Jasin 5000 Tilghman St. Suite 153 Allentown, PA 18104	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Lehigh County Upper Saucon Township	PAR10Q135-1	Stabler Land Co. 4401 Camp Mtg. Rd. Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583

<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>
Tioga County Wellsboro Borough	PAR106645	Donna Mettler Wellsboro Area High School 2 Charles St. Wellsboro, PA 16901	Marsh Creek WWF	Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Cambria County Lilly Borough	PAR101092	Lilly Borough Sewer Authority 417 Cleveland Street Lilly, PA 15938	Little Conemaugh River and Bear Rock Run CWF	Cambria County Conservation District 814-472-2120
Indiana County Armstrong Township	PAR103167	Pennsylvania Depart- ment of Transportation District 10-0 P. O. Box 429 Indiana, PA 15701-0429	Crooked Creek WWF	Indiana County Conservation District (724) 463-8547
Somerset County Conemaugh Township	PAR106151	Conemaugh Township Supervisors 647 Main Street Suite 200 Johnstown, PA 15901	Kaufman Run to Stonycreek River WWF	Somerset County Conservation District 814-445-4652
Washington County Peters Township	PAR10W210	Theodore Taylor III 608 East McMurray Rd. Suite 101 McMurray, PA 15317	Peters Creek TSF	Washington County Conservation District (724) 228-6774
Washington County California Borough	PAR10W215	Student Association, Inc. 428 Hickory Street California, PA 15419	UNT to Lilly Run WWF	Washington County Conservation District (724) 228-6774
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Luzerne County Hazle Township	PAR322204	Polyglass USA, Inc. 555 Oak Ridge Drive Hazleton, PA 18201	Tomhicken Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Luzerne County Hazle Township	PAR202234	Truth Hardware 500 Jaycee Drive Valmont Industrial Park West Hazleton, PA 18202	Black Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
City of New Kensington Westmoreland County	PAR126104	North Side Foods Corp. 2200 Rivers Edge Drive Arnold, PA 15068	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
City of Pittsburgh Allegheny County	PAR806219	Almono LP 425 Sixth Avenue Suite 500 Pittsburgh, PA 15219- 1822	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Fairview Township Erie County	PAR208320	Erie Bronze & Aluminum Company P. O. Box 8099 Erie, PA 16505-8099	Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Union City Borough Erie County	PAR228307	Ethan Allen, Inc. Cherry Hill Division 77 South Main Street Union City, PA 16438	South Branch French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Ridgway Township Elk County	PAR238315	General Chemical Corporation 90 East Halsey Road Parsippany, NJ 07054	Powers Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pulaski Township Lawrence County	PAR208305	Lane Enterprises, Inc. P. O. Box 345 Pulaski, PA 16143	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAR128301	Dad's Products Company, Inc. 18746 Mill Street Meadville, PA 16335	French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Berks County Caernarvon Township	PAG043616	Ron and Christine Gasiewski 475 Elverson Road Elverson, PA 19520	East Branch Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Shrewsbury Township	PAG043573	Lewis Hannum 17389 Brose Road New Freedom, PA 17349	Deer Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cooper Township Clearfield County	PAG045010	Robert A. and Janet M. Fye 163 Sylvan Grove Road P. O. Box 162 Drifting, PA 16834	UNT to Basin Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Conneaut Township Crawford County	PAG048823	Jason and Lisa Carr 5759 Beaver Street Springboro, PA 16435	Unnamed tributary to Foster Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Former Bill's Auto Center 2901 SR 42 Millville, PA 17846 Greenwood Township Columbia County	PAG054826	Michael J. Batiuk 89 Teaberry Road Bloomsburg, PA 17815	Little Fishing Creek	Northcentral Regional Office 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 321-6550

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Washington, DC	PAG089906	District of Columbia Water and Sewer Authority 5000 Overlook Avenue, SW Washington, DC 20032	Blue Plains Advanced Wastewater Treatment Facility 5000 Overlook Avenue, SW Washington, DC 20032	BWSWM (717) 787-8184

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Silver Spring Township Cumberland County	PAG083568 PAG083569	Hampden Township 230 S. Sporting Hill Road Mechanicsburg, PA 17050	Paul Basehore Farm Silver Spring Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Monroe Township Cumberland County	PAG083568 PAG083569	Hampden Township 230 S. Sporting Hill Road Mechanicsburg, PA 17050	Gary Shughart Farm Monroe Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Loyalsock Township Montoursville Borough Lycoming County	PAG094830	Kremser Brothers 1300 Jordan Ave. Montoursville, PA 17754	Kremser Brothers Loyalsock and Montoursville Sites	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655

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).

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

Permit No. 3802503 , Public Water Supply.	
Applicant	Mt. Gretna Heights Assoc. Inc.
Borough or Township	West Cornwall Township
County	Lebanon
Type of Facility	The construction of Well No. 3 and the installation of an inter-connection with the Mt. Gretna Authority
Consulting Engineer	David J. Gettle Kohl Bros. Inc. P. O. Box 350 Myerstown, PA 17067
Permit to Construct Issued	September 13, 2002

Operations Permit issued to **Three Springs Borough**, PWS ID 4310030, Three Springs Borough, **Huntingdon County** on September 23, 2002, for the operation of facilities approved under Construction Permit No. 3102501 MA.

Wellhead Protection Program Approval issued to **East Petersburg Borough Water Department**, 6040 Main Street, East Petersburg, PA 17520, PWS ID 7360135, East Petersburg Borough, **Lancaster County** on June 3, 2002.

Wellhead Protection Program Approval issued to **Warwick Township Municipal Authority**, 315 Clay Road, Lititz, PA 17543-0336, PWS ID 7360116 and 7360120, Warwick Township, **Lancaster County** on September 10, 2002.

Wellhead Protection Program Approval issued to **Lititz Borough Waterworks**, 7 South Broad Street, Lititz, PA 17543, PWS ID 7360126, Lititz Borough, **Lancaster County** on September 10, 2002.

Permit No. 2202506 MA, Minor Amendment. Public Water Supply.

Applicant	United Water Pennsylvania
Borough or Township	Dauphin Borough
County	Dauphin
Type of Facility	Installation of an inlet baffle in the Hillside Reservoir
Consulting Engineer	R. Michael Gephart, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued	September 10, 2002

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

Permit No. Minor Amendment, Public Water Supply.

Applicant	Ralston Area Joint Authority P. O. Box 93 Ralston, PA 17763
Township	McIntyre Township
County	Lycoming
Type of Facility	PWS—permit to construct a 100,000 gallon storage tank and relocation of chlorination equipment
Consulting Engineer	Pennoni Associates, Inc. One Drexel Plaza 3001 Market Street Philadelphia, PA 19104
Permit to Construct Issued	October 1, 2002

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Straban Township	1745 Granite Station Road Gettysburg, PA 17325	Adams

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system along the Route 30 corridor from Route 15 to Flickinger Road. The portion of the plan pertaining to the Route 30 corridor east of Flickinger Road to Coleman Road remains incomplete pending submission of additional information to address the sewage disposal needs of the area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Derry Township	235 Hockersville Road Hershey, PA 17033	Dauphin

Plan Description: The approved plan provides for 3 separate sewer extensions to serve 76 existing structures in the Joann Avenue and Locust Lane area, 18 existing structures in the Twin Oaks Drive and Hill Church Road area and 19 existing structures in the Church Road area. This project expands the scope of previously approved planning in Derry Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cross Creek Township	25 Clark Avenue Avella, PA 15312	Washington

Plan Description: The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve the Harry Fischer single family home. The property is located on Parker Road, Cross Creek Township, Washington County. The proposed discharge point is Middle Fork Creek classified as a WWF. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Consent Order and Agreement

**Pure-Sil Site
Bradford, McKean County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is

hereby provided that the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (COA) with Pure-Sil, Inc. (Pure-Sil) concerning Pure-Sil's liability for the Pure-Sil Site (Site). The Site is located on approximately 1.99 acres along Silicon Way in the City of Bradford, McKean County.

In the past, hazardous substances were disposed at the Site and these substances have contaminated the environment at the Site. The Department estimates that it will cost \$4,000 to conduct the further investigation at the Site. A realistic estimate of the cost for the clean up of the Site cannot be made until further investigation has been completed.

As the owner and operator of the Site during the time of the release and threatened release of hazardous substances, Pure-Sil is a "responsible person" as defined under section 103 of the HSCA. Based upon Pure-Sil's available assets and their certification concerning their financial condition, the Department has determined that Pure-Sil cannot pay for the investigation and clean up of the Site. Accordingly, to resolve this matter without litigation, the Department and Pure-Sil have agreed to enter into an inability to pay settlement whereby Pure-Sil will donate the Site to the City of Bradford free and clear of liens. The Department obtained a report by a qualified real estate appraiser that the fair market value of the Site in a clean condition is \$75,000.

Under section 1113 of the HSCA, the Department and the City of Bradford have also entered into a COA whereby the City of Bradford will investigate the Site and will conduct any necessary clean up of the Site under the Special Industrial Area standard under the Land Recycling Act (Act 2). Upon completion of the clean up of the Site, the City of Bradford will then redevelop the Site for commercial and/or industrial uses to create jobs for public benefit.

The specific terms of the settlements with Pure-Sil and the City of Bradford are set forth in their respective COAs with the Department. The Department will receive and consider comments relating to the two COAs 60 days from the date of this public notice. The Department has the right to withdraw its consent to the COAs if the comments concerning these COAs disclose facts or considerations which indicate that the COAs are inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement with Pure-Sil and the City of Bradford shall be effective upon the date that the Department notifies Pure-Sil and the City of Bradford, in writing, that their respective COAs are final and effective in their present form and that the Department has filed a response to significant written comments to the COAs or that no comments were received.

Both COAs are available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA 16335. Comments may be submitted to Marilee Hylant, Project Manager, at the previous address. Further information may be obtained by contacting Marilee Hylant at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

Prompt Interim Response

Broody Tire Fire Site Edwardsville, Luzerne County

The Department, under the authority of the HSCA, has initiated a prompt interim response at the Broody Tire

Fire Site (Site). This response has been undertaken under section 505(b) of the HSCA. The Site is located along Plymouth Street, Edwardsville, Luzerne County, PA.

The Site was most recently utilized as a used tire business (Broody's Tires). Among other things, Broody's Tires collects used tires from tire dealers and auto repair business, transports the tires to the Site and sells used tires and stores used tires at the Site. On August 26, 2002, a fire consumed a large number of tires, trailers and debris stored onsite. As a result of the fire, contaminated debris was spread throughout the Site and also to off-Site areas. On August 27, 2002, the Department initiated a response action utilizing an emergency response contractor to remove burnt tires, debris and contaminated materials and soils to an offsite disposal facility. Further investigative and or remediation activities may be undertaken at this site in the future.

Given the specific circumstances at the Site, the Department determined that the removal of the contaminated debris and soils was the only viable alternative to implement at this Site to address the release. This response action was needed in a prompt manner to protect public health and safety.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA and is available for review Monday through Friday from 8 am to 4 p.m.

The administrative record will be open for comment from October 19, 2002, to January 20, 2003. Persons may submit written comments into the record, during this time only, by delivering them or sending them to Joseph Iannuzzo, Project Officer, 2 Public Square, Wilkes-Barre, PA 18711.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for December 4, 2002, at 1 p.m. at the Department's Regional Office, 2 Public Square, Wilkes-Barre, PA. The testimony at the public hearing will be limited to the prompt interim response action that involved the removal of the contaminated debris and soils. Persons wishing to present testimony at the December 4, 2002, hearing regarding removal of contaminated debris and soils should register with Joe Iannuzzo, before November 29, 2002, at (570) 826-2589 or in writing to Joe Iannuzzo at the Department's Northeast Regional Office.

If no person registers to present oral comments by November 29, 2002, the hearing will not be held. Persons interested in finding out if anyone has registered, or if the hearing will be held, should contact Joe Iannuzzo.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Joe Iannuzzo or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Sun Chemical Corporation, City of Philadelphia, **Philadelphia County**. Richard J. Tobia, PE, LFR Levine Fricke, 35 Columbia Rd., Branchburg, NJ 08876, on behalf of Sun Chemical Corp., 135 West Lake St., Northlake, IL 60164, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PHC. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Bridgestone/Firestone Retail Store and Western Metal Bed Co. Site, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of B.D.F. Corp., B. Featherman, D. Featherman, F. Featherman and Bridgestone/Firestone 4035-4045 Torresdale Ave., Philadelphia, PA, has submitted a Remedial Investigation Report, Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with solvents.

Alto Sign, South 71st St. Property, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106-3685, has submitted a Risk Assessment Report concerning remediation of site groundwater contaminated with PCB, lead, heavy metals, BTEX and PHC.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Nallo Property (4445 Shimerville Road), Upper Milford Township, **Lehigh County**. Vincent M. Carbone, P. G., Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Final Report (on behalf of James D. Nallo and Margaret Brady-Nallo, Newgate Drive, Allentown, PA) concerning the remediation of soils found to have been contaminated with lead, arsenic and benzo(a)pyrene. The report was submitted to document attainment of the Statewide health standard.

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 Final Report (on behalf of Trainer Enterprises, Inc., 210 North 9th Street, Allentown, PA) concerning the characterization and remediation of site soils contaminated with select PCBs, lead, arsenic, mercury and benzo(a)pyrene. The report was submitted to document attainment of the site-specific standard using residential exposure assumptions.

Southwest Region: Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

United Airlines, Stoneycreek Township, **Somerset County**. Steven P. Lewandowski, Environmental Resources Management, Inc., 1176 Perry Highway, Suite 3300, Wexford, PA 15090 (on behalf of Tim Lambert, 2012 Forge Drive, Aliquippa, PA 15001; Larry Hoover, 6677 Glades Pike Road, Somerset, PA 15501; Mike Svonavec, Casselman Enterprises, 150 West Union Street, Somerset, PA 15501; and United Airlines, 1200 E. Algonquin Road, Elk Grove, IL 60007) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with the Department Short List of COPCs for Jet Fuel. The report is intended to document remediation of the site to meet 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:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Brunswick Hotel, City of Lancaster, **Lancaster County**. Professional Service Industries, Inc., 1707 South Cameron Street, Suite B, Harrisburg, PA 17104, on behalf of Hotmark, 1111 Plaza Drive, Suite 200, Schaumburg, IL 60173, submitted a final report concerning the remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 25, 2002.

Penn Fuel Gas Lewistown MGP (formerly), Lewistown Borough, **Mifflin County**. PPL Services Corporation, Two North Ninth Street, GENTW8, Allentown, PA 18101-1179 submitted a risk assessment report concerning remediation of site soils and groundwater contaminated with heavy metals, BTEX, PAHs, phenol compounds and cyanide. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site Specific Standards. The risk assessment report was approved September 30, 2002.

Defense Distribution Depot Susquehanna PA IRP Site 60, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 submitted a Final Report concerning remediation of site soils contaminated with solvents. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 30, 2002.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

United Airlines, Stoneycreek Township, **Somerset County**. Steven P. Lewandowski, Environmental Resources Management, Inc., 11676 Perry Highway, Suite 3300, Wexford, PA 15090 (on behalf of Tim Lambert, 2012 Forge Drive, Aliquippa, PA 15001; Larry Hoover, 6677 Glades Pike Road, Somerset, PA 15501; Mike Svonavec, Casselman Enterprises, 150 West Union Street, Somerset, PA 15501; and United Airlines, 1200 E. Algonquin Road, Elk Grove, IL 60007) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with the Department Short List of COPCs

for Jet Fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 10, 2002.

Chelsea Building Products, Oakmont, **Allegheny County**. Gregory J. Gromicko, Earth Sciences Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Chelsea Building Products, 565 Cedar Way, Oakmont, PA 15139) has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with solvents. The Remedial Investigation Report was disapproved by the Department on September 4, 2002.

P. B. & S Chemical Company Inc., City of McKeesport, **Allegheny County**. W. David Fennimore, Earth Data Incorporated, 924 Springdale Drive, Exton, PA 19341 (on behalf of P.B. & S Chemical Company, Inc., P. O. Box 20, 1405 Hwy 136 West Henderson, KY 42420) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on June 10, 2002

Malitovsky Drum Site (Former), City of Pittsburgh, **Allegheny County**. Keith Welks (on behalf of Phoenix Land Recycling Company, 105 North Front Street, Suite 106, Harrisburg, PA 17101) has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with lead and solvents. The Baseline Environmental Report was approved by the Department on August 22, 2002.

Eastside Retail Project, City of Pittsburgh, **Allegheny County**. David Brown, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Port Authority of Allegheny County, 2235 Beaver Avenue, Pittsburgh, PA 15233; Public Parking Authority of Pittsburgh, 232 Boulevard of the Allies, Pittsburgh, PA 15222; BAC Realty Corporation, 5931 Ellsworth Avenue, Pittsburgh, PA 15206; M. Blank Family Limited Partnership c/o Myrna Blank, 5940 Penn Circle South, Pittsburgh, PA 15206; and City of Pittsburgh, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219) has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with BTEX, gasoline-unleaded and undetermined. The Baseline Environmental Report was approved by the Department on September 3, 2002.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

CDR Pigments and Dispersions, 75 Front St., Ridgway Borough, **Elk County**. (Civil & Env. Consultants, Inc., 333 Baldwin Rd, Pittsburgh, PA 15205-9702) (CDR Pigments and Dispersions, 75 Front St., Ridgway, PA) has submitted a Revised Cleanup Plan received September 19, 2002, concerning the remediation of site soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The Cleanup Plan is intended to document remediation of the site to meet the Site Specific Standards.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

Altom Transport, Inc., 4242 S. Knox Avenue, Chicago, IL 60632. License No. **PA-AH 0693**. Effective September 20, 2002.

Hazardous Waste Transporter License Renewed

Culp Petroleum Company, Inc., P. O. Box 10815, Rock Hill, SC 29731. License No. **PA-AH 0673**. Effective September 19, 2002.

Consolidated Transportation, Inc., 23 Perrine Street, P. O. Box 768, Auburn, NY 13021. License No. **PA-AH 0059**. Effective September 20, 2002.

Hazardous Waste Transporter License Voluntarily Terminated

Safety-Kleen (TG), Inc., 1122 Lady Street, Columbia, SC 29201. License No. **PA-AH 0271**. Effective September 7, 2002.

Atlantic Environmental Services, LLC, 2900 Telear Court, Suite 200, Falls Church, VA 22042. License No. **PA-AH 0676**. Effective September 9, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019—6126) 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 Voluntarily Terminated

Safety-Kleen (TG), Inc., 1301 Gervais Street, Suite 300, Columbia, SC 29201. License No. **PA-HC 0201**. Effective September 7, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 603258. Everett Area Municipal Authority, 100 Mechanic St., Everett, PA 15537-1177, Monroe Township, **Bedford County**. This permit has been revoked at the request of the permittee for a site in Monroe Township. The permit was revoked by the Southcentral Regional Office on September 30, 2002.

Permits Reissued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301292. CraftMaster Manufacturing, Inc., P. O. Box 311, Towanda, PA 18848, Wysox Township, **Bradford County**. Operation of CraftMaster Spray Irrigation System. The permit was reissued by the Williamsport Regional Office on September 24, 2002.

Permit No. 300610. CraftMaster Manufacturing, Inc., P. O. Box 311, Towanda, PA 18848, Wysox Township, **Bradford County**. Operation of CraftMaster Landfill. The permit was reissued by the Williamsport Regional Office on September 24, 2002.

Persons interested in reviewing the permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, 800-654-5984.

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 101603. Onyx Waste Svc. Inc., Route 219N, R. R. 2 Box 0, Brockway PA 15824, Pittsfield Township, **Warren County**. Permit Reissuance to transfer ownership of Warren County Transfer Station from Superior Waste Services of Pennsylvania, Inc. to Onyx Waste Services, Inc. The permit was issued by the Northwest Regional Office on September 24, 2002.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. 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.

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

GP1-63-00917: Timberline Packaging, Inc. (400 Technology Drive, Coal Center, PA 15432) on September 23, 2002, for installation and operation of a natural gas fired boiler at their corrugated box factory in California Borough, **Washington County**. The Cleaver Brooks Model CB700-350-200 fire tube boiler will utilize Low NOx burners to minimize emissions to the atmosphere.

GP5-63-00878: The Peoples Natural Gas Co. (625 Liberty Avenue, Dominion Tower, 20th Floor, Pittsburgh, PA 15222) on September 26, 2002, for installation and operation of one Caterpillar, Model No. G3306, Natural Gas-Fired Compressor Engine rated at 145 bhp controlled by a HIS Corp. DeNOx Catalytic Converter Silencer at

the Gibson Compressor Station under permit (GP-5) in Fallowfield Township, **Washington County**.

GP-65-00953: Dominion Energy, Inc. (635 Liberty Avenue, 20th Floor, Dominion Tower, Pittsburgh, PA 15222) for construction and operation of one Caterpillar Model G3408TALE engine, rated at 425 Bhp at the New Stanton Compressor Station in Hempfield Township, **Westmoreland County**.

GP-65-00954: Dominion Energy, Inc. (635 Liberty Avenue, 20th Floor, Dominion Tower, Pittsburgh, PA 15222) for construction and operation of one Caterpillar Model G3406 engine, rated at 185 Bhp at the Youngwood Compressor Station in South Huntingdon Township, **Westmoreland County**.

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

62-166: Pennsylvania General Energy—Zimmerman Hill (Zimmerman Hill Road, Warren, PA 16365) on September 30, 2002, for operation of a fourth compressor engine in Pleasant Township, **Warren County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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.

23-0096: County of Delaware, George W. Hill Correction Facility (Cheyney and Springlawn Roads, Thornton, PA 19373) on September 25, 2002, for operation of a combustion unit in Concord Township, **Delaware County**.

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

40-323-013: Truth Hardware (500 Jaycee Drive, West Hazleton, PA 18202-1186) on September 18, 2002, for construction of a fluidized sand bed rack cleaning operation and associated air cleaning devices in Hazle Township, **Luzerne County**.

39-327-003: SHI-APD Cryogenics, Inc. (1833 Vultee Street, Allentown, PA 18103) on September 16, 2003, for modification of three batch vapor degreasers and associated air cleaning devices in Allentown, **Lehigh County**.

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

10-338A: Superior Adsorbents, Resin Bonded Filter Plant (AC Valley Industrial Park, Route 38, Allegheny Township, PA 16373) on September 23, 2002, for construction of a resin bonded filter plant in Allegheny Township, **Butler County**.

10-001G: AK Steel Butler Works (Route 8 South, Butler, PA 16003) on September 18, 2002, for installation of a steel ladle skimming operation in Butler, **Butler 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.

09-0142: Qwest Communications Corp. (35 Runway Road, Levittown, PA 19057) on September 24, 2002, for operation of four diesel emergency generators in Bristol Township, **Bucks County**.

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

47-303-003A: HRI, Inc. (P. O. Box 155, State College, PA 16804) on September 20, 2002, for operation of a reprocessed oil-fired drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis until January 18, 2003, in Liberty Township, **Montour County**. The plan approval was extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on September 25, 2002, for modification to strictly secure the use and transfer of 129 TPY of NOx and 1.6 TPY of VOC emission reduction credits (ERCs) at the Monessen Coke Plant in Monessen, **Westmoreland County**. These ERCs were generated by the curtailment and demolishment of the old coke oven gas-fired boilers and are transferred to and used by the new coke oven/natural gas-fired boilers.

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

62-161A: Arc Steel—Irvine Plant (One Front Street, Warren, PA 16365) on September 10, 2002, for a slag processing facility in Brokenstraw Township, **Warren 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.

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

05-05007: Texas Eastern Transmission LP (P. O. Box 1642, Houston, TX 1642) on September 25, 2002, for operation of the Bedford Compressor Station in Bedford Township, **Bedford County**. This is a renewal of the operating permit.

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

25-00326: Foamex LP, Corry Plant (466 Shady Avenue, Corry, PA 16407) for operation of a Flexible Polyurethane Foam Manufacturing Facility in Corry Borough, **Erie 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.

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

67-03103: Gerhardt USA, Inc. (400 East Locust Street, Dallastown, PA 17313) on September 27, 2002, for operation of a chrome electroplating tank in Dallastown Borough, **York County**.

67-05072: Graham Architectural Products Corp. (1551 Mount Rose Avenue, York, PA 17403) on September 25, 2002, for operation of a window manufacturing facility in Spring Garden Township, **York County**.

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

25-00875: Aurora Foods, Inc. (2200 East 38th Street, Erie, PA 16510) for operation of a food processing facility in the City of Erie, **Erie 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.

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

10-00028: Armstrong Cement and Supply Corp.—Winfield Plant (100 Clearfield Road, Cabot, PA 16923) for an administrative amendment to the Title V Operating Permit to incorporate changes approved under Plan Approval 10-0028H at their facility in Winfield Township, **Butler County**. EPA and public comment periods were addressed during the plan approval process.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

96-017: Wayne Mills Co., Inc., Luithlen Dye Division (J and Tioga Streets, Philadelphia, PA 19134) administratively amended on September 25, 2002, to incorporate a change of ownership from Luithlen Dye Corp. for their facility in the City of Philadelphia, **Philadelphia County**.

96-005: The Bellevue (200 South Broad Street, Philadelphia, PA 19102) administratively amended on September 25, 2002, to incorporate a change in the facility contact, permit contact and responsible official.

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); and 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

49860201R3. Rosini Coal Company, Inc. (P. O. Box 226, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 60.0 acres, receiving stream: none. Application received March 15, 2002. Renewal issued September 25, 2002.

49871603R2. D. Dale Lenig (R. R. 1 Box 292, Shamokin, PA 17872), renewal of an existing coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream: none. Application received August 5, 2002. Renewal issued September 25, 2002.

40930102C. Mammoth Anthracite, LLC (P. O. Box 108, Beaver Meadows, PA 18216), correction to an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 475.0 acres, receiving stream: none. Application received July 30, 2002. Correction issued September 27, 2002.

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

17970106 and NPDES Permit No. PA 0220612. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661. Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 119.9 acres. Receiving streams: Big Run to Moshannon Creek; Moshannon Creek to West Branch Susquehanna River. Application received July 17, 2002. Permit issued September 16, 2002.

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

63020101 and NPDES Permit No. 0250104. David Breeden Enterprises (P. O. Box 89, Tarentum, PA 15084). Permit for commencement, operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County** affecting 261.6 acres. Receiving streams: unnamed tributaries and Center Branch of Pigeon Creek. Application received February 14, 2002. Permit issued September 26, 2002.

03900110 and NPDES Permit No. 0592404. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal permit for commencement, operation and reclamation of a bituminous surface mine located in Boggs Township, **Armstrong County**, affecting 81.3 acres. Receiving streams: North Fork Pine Creek and unnamed tributary to North Fork of Pine Creek to Allegheny River. Renewal application received April 16, 2001. Renewal permit issued September 27, 2002.

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

32010104 and NPDES Permit No. PA0248967. Reichard Contracting, Inc., 212 Olean Trail, New Bethlehem, PA 16242, permit revision for a variance to encroach within 25 feet of unnamed tributary #6 to Carr

Run and for discharge of treated mine drainage in West Mahoning Township, **Indiana County**, affecting 66.1 acres. Receiving streams: unnamed tributaries to Carr Run and Carr Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 13, 2002. Permit issued September 24, 2002.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

7776SM1A3C3 and NPDES Permit PA0611883. Martin Stone Quarry, Inc. (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit in Colebrookdale Township, **Berks County**, receiving stream: unnamed tributary to Swamp Creek. Application received August 5, 2002. Renewal issued September 24, 2002.

54020802. Summit Anthracite, Inc. (R. R. 1 Box 12A, Klingerstown, PA 17941), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 5.0 acres, receiving stream: none. Application received June 18, 2002. Permit issued September 26, 2002.

58010821. Gregory C. Liddick, Sr. (P. O. Box 3, Stevensville, PA 18845), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acres, receiving stream: none. Application received April 26, 2001. Permit issued September 26, 2002.

58020814. Holgate Brothers (P. O. Box 1, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received April 9, 2002. Permit issued September 27, 2002.

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

65930401 and NPDES Permit No. PA0200492. Better Materials Corporation (2200 Springfield Pike, Connellsville, PA 15425-9503). Transfer of permit formerly issued to Latrobe Construction Company for continued operation and reclamation of a noncoal surface mining site located in Derry and Ligonier Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek and Loyalhanna Creek. Application received June 14, 2002. Transfer permit issued September 26, 2002.

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

10010306. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Commencement, operation and restoration of a large noncoal sand and gravel operation in Worth Township, **Butler County** affecting 122.0 acres. Receiving streams: unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received May 15, 2001. Permit Issued September 19, 2002.

2170-10010306-E-1. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a haul road crossing over unnamed tributary No. 2 to Black Run in Worth Township, **Butler County**. Receiving streams: unnamed tributary to Slippery Rock Creek and Slippery Rock Creek. Application received May 15, 2002. Permit Issued September 19, 2002.

2170-10010306-E-2. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a haul road crossing over unnamed tributary No. 9 to Black Run in Worth Township, **Butler County**. Receiving streams: unnamed tributary to Slippery Rock Creek and Slippery Rock Creek. Application received May 15, 2002. Permit Issued September 19, 2002.

37010301. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Commencement, operation and restoration of a large noncoal limestone operation in Slippery Rock Township, **Lawrence County** affecting 197.0 acres. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-1. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to conduct mining activities within 25 feet but no closer than 50 feet for mineral extraction to unnamed tributary No. 1 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-2. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through approximately 600 feet of to unnamed tributary No. 3 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-3. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through and reconstruct approximately 500 feet of to unnamed tributary No. 4 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-4. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 6 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-5. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through approximately 100 feet of to unnamed tributary No. 9 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-6. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through unnamed tributary No. 10 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-7. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to conduct mining activities within 25 feet but no closer than 100 feet for mineral extraction to unnamed tributary No. 8 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-8. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through approximately 500 feet of to unnamed tributary No. 5 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

5380-37010301-E-9. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225) Application for a stream encroachment to mine through approximately 135 feet of to unnamed tributary No. 12 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: nine unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received March 5, 2001. Permit Issued September 25, 2002.

Small Noncoal Permit—Final Bond Release

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

08980814. Ronald Keller, P. O. Box 2, SR 1059, Warren Center, PA 18851. Final bond release for a small noncoal mining operation in Warren Township, **Bradford County**. Restoration of 1 acre completed. Application for final bond release received August 28, 2002. Final bond release approved: September 27, 2002.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

06024041. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Maiden creek Township, **Berks County** with an expiration date of December 31, 2002. Permit issued September 23, 2002.

360240103. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Clay Township, **Lancaster County** with an expiration date of December 31, 2002. Permit issued September 23, 2002.

360240104. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of December 29, 2002. Permit issued September 23, 2002.

38024028. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in South

Lebanon Township, **Lebanon County** with an expiration date of December 31, 2002. Permit issued September 23, 2002.

35024021. Keystone Quarry (P. O. Box 249, Dunham Drive, Dunmore, PA 18512), construction blasting in Dunmore and Throop Boroughs, **Lackawanna County** with an expiration date of December 31, 2012. Permit issued September 24, 2002.

46024052. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Hatfield Township, **Montgomery County** with an expiration date of September 19, 2003. Permit issued September 24, 2002.

39024019. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of September 19, 2004. Permit issued September 24, 2002.

39024021. Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Upper Saucon Township, **Lehigh County** with an expiration date of November 6, 2003. Permit issued September 26, 2002.

39024022. Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Upper Saucon Township, **Lehigh County** with an expiration date of November 6, 2003. Permit issued September 26, 2002.

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

14024021. Stone Valley Construction Co., Inc., P. O. Box 369, Pine Grove Mills, PA 16868, for construction blasting, located in State College Borough, **Centre County**, with an expected duration of 180 days. Permit issued September 27, 2002.

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

56024002. New Enterprise Stone and Lime Company (P. O. Box 77, New Enterprise, PA 16664), blasting activity permit issued for stone sample for industrial mineral new quarry site located in Jefferson Township, **Somerset County**, Upper Youghiogheny Watershed expected duration of blasting 30 days. Permit Issued September 18, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-914. Dock Woods Community, 275 Dock Drive, Lansdale, PA 19446-6215, Towamencin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions along and across unnamed tributaries of Skippack Creek (TSF) associated with the proposed Dock Wood Community Residential Housing Development:

1. To replace the existing Gehman Road culvert crossing with 90 linear feet of 48-inch RCP culvert pipe and appurtenant structures.
2. An 8-inch DIP sanitary sewer line crossing.
3. A 20-foot wide riprap-lined trapezoidal stormwater outlet channel.

The project site is located approximately 400 feet south of the intersection of Fret and Tomlinson Roads situated along the west side of Tomlinson Road (Telford, PA Quadrangle N: 2.20 inches; W: 12.50 inches).

E15-691. John Steimer, P. O. Box 780, Kimberton, PA 19442-0780, East Pikeland Township, **Chester County**, ACOE Philadelphia County.

To modify and maintain an existing reservoir by increasing its storage capacity. The site is located in and along an unnamed tributary to the Stony Run (HQ, TSF), approximately 1,000 feet north of the intersection of Spring Hollow Road and Spring Lane (Phoenixville, PA USGS Quadrangle N: 6.0 inches; W: 7.0 inches).

E46-912. Whitpain Township, P. O. Box 800, Blue Bell, PA 19422, Whitpain Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the improvement and widening of the North Wales Road (T-377). This site is located approximately 1,800 feet southwest of the intersection of SR 073 and North Wales Road (Lansdale, PA Quadrangle N: 8.9 inches, W: 8.8 inches). To replace and maintain an existing culvert consisting of twin 26 linear-foot long and 54-inch diameter ductile iron pipes with a twin 39 linear-foot of 21-foot wide and 7-foot high concrete box culverts in and along Stony Run (TSF) under North Wales Road at the same locations. Work also includes 140 linear feet of channel change and incidental fill within the floodway to accommodate the roadway improvements.

E46-903. Heritage Building Group, Inc., 3326 Old York Road, Suite B, Furlong, PA 18925, Limerick and Lower Pottsgrove Townships, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Heritage Hills Golf Course and Residential Community:

1. To construct and maintain a 102-foot long by 53-foot 7-inch span and 14.0-foot rise arch stream enclosure and associated retaining walls and wing walls along 325 linear feet of Hartenstine Creek (WWF) and an unnamed intermittent tributary. The work is associated with Masters Drive at station 16+00 of the proposed residential development. The crossing will include two golf cart crossings and utility line crossings for 12-inch DIP water main, gas, electric, telephone and cable television.

2. To relocate and fill 350 linear feet of unnamed intermittent tributary of Hartenstine Creek associated with the construction of a stormwater collection system, yards associated with Lots 187 and 188 at Fairway Road station 11+60, a 12-inch DIP water main and an 8-inch PVC sanitary sewer line for the proposed residential development. The stream flow will be routed through

1,211 linear feet of stormwater enclosure pipes ranging from 15-inch SLCPP to 36 inch SLCCP. The relocated flow is also routed through a proposed stormwater basin, which includes a nonjurisdictional dam. This permit includes an environmental assessment approval for the proposed dam.

3. To construct and maintain 130 linear feet of 48-inch RCP stream enclosure along an unnamed tributary to Hartenstine Creek associated with Fairway Road at station 6+40. The crossing will include a 12-inch DIP water main, an 8-inch PVC sanitary sewer line and a golf cart crossing. A temporary road crossing is proposed at this location to facilitate construction of the road and residential development.

4. To construct and maintain two 8-inch sanitary sewer line crossings of an unnamed tributary to Hartenstine Creek in Lower Pottsgrove Township.

5. To construct and maintain 160 linear feet of 30-inch SLCPP stream enclosure and to place and maintain fill in 0.02 acre of wetland (PEM) adjacent to an unnamed intermittent tributary of Hartenstine Creek to establish a yard associated with Lots 199 and 200 of the proposed residential development.

6. To place and maintain fill in 142 linear feet of intermittent unnamed tributary to Hartenstine Creek at Fairway Road station 21+20 associated with the proposed residential development.

7. To construct and maintain 71 linear feet of 24-inch SLCCP culvert in and along an unnamed intermittent tributary of Hartenstine Creek associated with Fairway Road at station 18+60 and Lot 208 of the proposed residential development. The crossing will include a 12-inch DIP water main, an 8-inch PVC sanitary sewer line and an 18-inch SLCPP stormwater utility line crossing under the proposed enclosure.

8. To construct and maintain 98 linear feet of 18-inch SLCPP culvert and 0.03 acre of fill in wetland (PEM) adjacent to an unnamed tributary of Hartenstine Creek and associated utility line crossings. This work is associated with a minor road crossing which will serve as access to the proposed golf course clubhouse.

9. To construct and maintain ten 10-foot wide complete span golf cart bridge crossings across Hartenstine Creek and unnamed intermittent tributaries with attached irrigation crossings. Four temporary stream crossings will be constructed along with the cart bridges to provide access for construction equipment during golf course construction.

10. To construct and maintain 90 linear feet of 18-inch SLCPP culvert along an unnamed tributary of Hartenstine Creek associated with Fairway 18 of the proposed golf course.

11. To construct and maintain 173 linear feet of 18-inch SLCCP stream enclosure and to place and maintain fill in 265 linear feet of an unnamed intermittent tributary of Hartenstine Creek associated with the construction of a golf course practice tee.

12. To construct and maintain 137 linear feet of 30-inch SLCCP stream enclosure along an unnamed intermittent tributary to Hartenstine Creek associated with Hole No. 9 of the proposed golf course.

13. To construct and maintain a 12-inch water main across Hartenstine Creek.

14. To construct and maintain an 8-inch and a 12-inch sanitary sewer lines across Hartenstine Creek.

15. To place and maintain fill in the floodplain of Hartenstine Creek associated with Hole No. 14 and Hole No. 18.

16. To construct and maintain six outfall structures.

The site is located approximately 1,500 feet northeast of the intersection of Ridge Pike and Rupert Road (Phoenixville, PA U.S.G.S. Quadrangle N: 21.2 inches; W: 9.5 inches).

E15-679. Wilmer L. Hostetter, 481 Limestone Road, Oxford, PA 19363, Upper Oxford Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain rock gabions associated with stormwater basin C outfall protection for 24-inch diameter RCP outlet pipe on lot No. 3 of the Turners Pond residential subdivision impacting 9 linear feet of an unnamed tributary to the Big Elk Creek, East Branch (HQ-TSF-MF), for the purpose of erosion control. The site is located approximately 2,000 feet southwest of the intersection of Kimble Road and Baltimore Pike (Oxford, PA-USGS Quadrangle, N: 10.80 inches, W: 5.90 inches).

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

E45-430. Pocono Stroudsburg Airport, Inc., R. R. 2, Box 2115, East Stroudsburg, PA 18301. Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimus area of wetlands equal to 0.05 acre for the purpose of widening an existing driveway to serve as an access to two buildings for a business known as Kal's Insulation. The project is located on the east side of Airport Road, approximately 0.4 mile north of Business Route 209 (East Stroudsburg, PA Quadrangle N: 6.4 inches; W: 3.8 inches).

E39-413. Lehigh County, 17 South Seventh Street, Allentown, PA 18101-2400. South Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To repair and maintain a three-span covered wooden bridge, having a center span of 48 feet, end spans of 35.5 feet and an underclearance of approximately 14 feet across Jordan Creek. Repairs consist of the replacement of the deck and floor stringers. The project is located on Wehr's Mill Road approximately 0.2 mile southeast of its intersection with Parkland Road (SR 4003) (Cementon, PA Quadrangle N: 0.6 inch; W: 9.7 inches).

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

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

To remove the existing steel I-beam bridge with timber deck which is on a 90 degree skew and has a clear opening between the stone masonry abutments of 26 feet, a curb-to-curb width of 18.5 feet and an average inlet underclearance of 21 feet and to construct and maintain a single span sawn southern pine A-frame truss with southern pine glulam deck and stringers and a weathering steel floor beam with a normal clear span of 30 feet, an average inlet underclearance of 7.3 feet and a curb-to-curb width of 18 feet on a horizontal and vertical alignment similar to existing conditions on Big Poe Road

over Big Poe Creek (HQ-CWF) at the intersection of Little Poe Pond with Big Poe Road and to construct a temporary upstream crossing consisting of four 36-inch diameter corrugated metal pipes and a temporary diversion dike system in Penn Township, Centre County. The project will permanently impact 523 square feet of wetlands while impacting 150 feet of stream channel.

E17-368. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission, Inc., LN-280 Operation and Maintenance, in Brady,

Goshen, Huston, Lawrence, Sandy and Union Townships and Troutville Borough, **Clearfield County**, ACOE Baltimore and Pittsburgh District (Luthersburg, PA Quadrangle N: 22.2 inches; W: 1.4 inches).

To replace, operate and maintain an existing 20-inch diameter pipeline over 30 miles within an existing 75-foot right-of-way for the transmission of natural gas. The operation and maintenance of the gas transmission line may require the replacement of 28 stream crossings that are as follows:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
Tributary—Jack Dents Branch of Medix Run	HQ-CWF	41°14'16"	78°22'14"
Tributary—Jack Dents Branch of Medix Run	HQ-CWF	41°13'58"	78°22'60"
Medix Run	HQ-CWF	41°13'22"	78°24'26"
Little Medix Run	HQ-CWF	41°12'57"	78°25'44"
Saunders Run	HQ-CWF	41°11'56"	78°28'7"
Little Laurel Run	HQ-CWF	41°11'10"	78°29'53"
Pray Run	HQ-CWF	41°10'41"	78°30'33"
Tributary—Laurel Run	HQ-CWF	41°10'19"	78°31'5"
Laurel Run	HQ-CWF	41°09'55"	78°32'16"
Tributary—Laurel Run	HQ-CWF	41°09'52"	78°32'20"
Tributary—South, Bennetts Branch	HQ-CWF	41°08'15"	78°37'4"
Dressler Run	HQ-CWF	41°06'43"	78°39'12"
Laborde Branch	CWF	41°14'16"	78°40'11"
Sugarcamp Run	CWF	41°05'15"	78°41'52"
Tributary—Luthersburg Branch	CWF	41°04'40"	78°42'29"
Tributary—Luthersburg Branch	CWF	41°04'31"	78°42'44"
Tributary—Luthersburg Branch	CWF	41°04'9"	78°43'1"
Tributary—Luthersburg Branch	CWF	41°03'45"	78°43'24"
Tributary—Luthersburg Branch	CWF	41°03'43"	78°43'28"
Limestone Run	CWF	41°03'26"	78°43'60"
Stump Creek	CWF	41°02'30"	78°45'41"
Tributary—East Mahoning Creek	HQ-CWF	41°01'56"	78°46'5"
Tributary—East Mahoning Creek	HQ-CWF	41°01'43"	78°46'15"
Tributary—Beaver Run	HQ-CWF	41°01'10"	78°47'13"
Beaver Run	HQ-CWF	41°00'20"	78°47'37"

Replacement of gas transmission lines shall be completed so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of wetland that may occur along the 30-mile right-of-way of LN-280; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. Since Jack Dent Branch, Medix Run, Saunders Run, Laurel Run, Pray Run, South-Bennetts Branch, Laborde Branch and their tributaries are wild trout streams, no maintenance work shall be conducted in or along the stream channels between October 1 and April 1 without prior written approval from the Fish and Boat Commission. Since Jack Dents Branch, Medix Run and Laborde Branch are TSF, no maintenance work shall be conducted in or along the stream channels between March 1 and June 15 without prior written approval from the Fish and Boat Commission.

E18-146A. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 263012. Dominion LN-50 Gas Transmission Line, East Keating and Leidy Townships, **Clinton County**, ACOE Baltimore District (Hammersley, PA Quadrangle N: 5.2 inches; W: 8.2 inches).

To replace, operate and maintain an existing 24-inch diameter pipeline over 14 miles within a 75-foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 24-inch diameter pipeline may require ten stream crossings that are as follows:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Pipeline Station Location</i>
Beaverdam Run	EV	4781+15
Kettle Creek	EV	4857+04
Hevner Run	EV	4964+76
Road Hollow	EV	5049+22
Turtle Point Hollow	EV	5094+62
Austin Hollow	EV	5156+18
Manning Hollow	EV	5191+93
Merriman Hollow	EV	5213+07
Renz Hollow	EV	5241+10
Scoval Hollow	HQ-CWF	5373+25

Gas transmission lines under streambeds shall be replaced so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at

every waterway and wetland crossing to ensure the existing hydrology is not altered. Gas pipeline replacement in waterways shall be completed in dry work conditions by fluming or dam and pumping stream flow around work areas. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 14-mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. Since Beaverdam, Hevner Run, Road Hollow, Turtle Point, Austin, Manning, Merriman, Renz Hollow and Scoval Hollow Run are wild trout fisheries, no construction or future repair work shall be conducted in or along the stream channels between October 1 and April 1 without prior written authorization from the Fish and Boat Commission. Since Kettle Creek is a stocked trout fishery, no construction or future repair work shall be conducted in or along the stream channels between March 1 and June 15 without prior written authorization from the Fish and Boat Commission.

E18-341. Department of Conservation and Natural Resources, Division of Design, 400 Market Street, P. O. Box 8451, Rachel Carson State Office Building, Harrisburg, PA 17105-8451. Bridge Replacement, in Chapman Township, **Clinton County**, ACOE Baltimore District (Slate Run, PA Quadrangle N: 6.10 inches; W: 13.85 inches).

To remove the existing single span steel I-beam bridge which has a clear span of 12 feet 6 inches, a curb-to-curb width of 10 feet 8 inches and an average inlet underclearance of 5 feet 10 inches and to construct and maintain a single cell precast reinforced concrete box culvert, depressed 12 inches into the streambed with a baffled floor, with precast end sections, a normal clear span of 16 feet on a skew of 54 degrees and an inlet underclearance of 6 feet and to construct two 48 inch diameter temporary thermoplastic stream flow bypass pipes across Left Branch Hyner Run on Left Branch Hyner Run Road about 1.8 miles from the intersection of Left Branch Hyner Road with Hyner Run Road in Chapman Township, Clinton County.

E53-377. Abbott Township, 1431 Germania Road, Galeton, PA 16922. Abbott Township Wastewater Collection and Treatment Facility, in Abbott Township, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 4.1 inches; W: 4.9 inches).

To remove an existing culvert and construct, operate and maintain a road crossing Germania Branch, Kettle Creek to provide access to the wastewater treatment facility; to install, operate and maintain a wastewater collection that will require nine stream crossings. The nine utility line crossings are as follows:

<i>Crossing Number</i>	<i>Waterway Name</i>	<i>Water Quality Classification</i>
1	Germania Branch—Kettle Creek	EV
2—4	Boedler Branch—Kettle Creek	EV
5—9	Germania Branch—Kettle Creek	EV

The road crossing Germania Branch shall be constructed with a precast concrete box culvert. The box culvert shall have a hydraulic opening that has a mini-

mum span of 12 feet, rise of 4 feet, length of 34 feet, with the culvert depressed 1 foot. In-stream channel structures shall be constructed in dry work conditions by fluming or dam and pumping stream flow around the work areas. Since Germania Branch—Kettle Creek is a wild trout stream, no construction or future repair work shall be conducted in or along the stream between October 1 and April 1 without the prior written approval of the Fish and Boat Commission. The project is located along the eastern right-of-way of SR 0144 approximately 2,000 feet east of SR 2001 and SR 0144 intersection. This permit also authorizes the construction, operation, maintenance and removal of cofferdams and stream diversions necessary to construct the in-stream structure under dry work conditions. Temporary structures shall be constructed with clean rock that is free of fines. Upon completion of the culvert construction, all temporary structures shall be removed and all areas of disturbance restored to original contours and elevations. The 0.002 acre of wetland impacted by the project is deemed de minimus and replacement wetlands will not be required.

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

E10959. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Big Beaver Borough, New Sewickley Township, North Sewickley Township, Koppel Borough and Marion Township, **Beaver County**, ACOE Pittsburgh District.

To amend Permit E10959 which authorized the construction of a pipeline crossing under the bed of the Beaver River (WWF) located approximately 10 miles above its mouth, to include the operation and maintenance of this crossing and to operate and maintain approximately 14 miles of the same 20-inch natural gas pipeline (LN 25). The following stream crossings will be added to the permit: tributary to Jordan Run (HQ-CWF), Stockman Run (WWF), ten tributaries to Brush Creek (WWF) and Brush Creek (WWF). The project starts in Big Beaver Borough at the border of Lawrence County and Beaver County and ends in New Sewickley Township at the Beaver County and Butler County border (the project starts at Beaver Falls, PA Quadrangle N: 18.6 inches; W: 15.5 inches and ends at Baden, PA Quadrangle N: 21.6 inches; W: 3.8 inches).

E02-1385. Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201. Municipality of Penn Hills, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing buildings, to construct and maintain a new 2,470 sq. ft. Sunoco Gasoline/Convenience store along with its associated fill, gas pumps and bays within the floodway of Duffs Run (WWF), to operate and maintain a 41.25 ft. long retaining wall along the left bank of Duffs Run and to construct and maintain a gabion wall approximately 20 ft. long along the left bank of Duffs Run. The project is located in the southwest corner of the intersection of Rodi Road and Hoover Road (Braddock, PA Quadrangle N: 13.5 inches; W: 10.8 inches).

E02-1388. Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. Plum Borough, Allegheny County and Upper Burrell Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge

having a normal span of 57.6 feet and an underclearance of 9.7 feet over Pucketa Creek (TSF). Also to construct and maintain a 30 inch diameter outfall structure on the left bank and a 24 inch diameter outfall structure on the right bank of Pucketa Creek (TSF). The project is located on SR 2076 just north of its intersection with SR 0366 (New Kensington East, PA Quadrangle N: 6.0 inches; W: 12.3 inches).

E56-300. The Municipal Authority of the Borough of Somerset, 340 West Union Street, Somerset, PA 15501. Jefferson Township, **Somerset County**, ACOE Pittsburgh District.

To dredge and maintain the existing Laurel Hill Creek Reservoir in and along Laurel Hill Creek (HQ-CWF) for the purpose of increasing the storage capacity of the reservoir during drought conditions. The authorized work includes the removal of a portion of an island located in the reservoir, the construction and maintenance of temporary coffer dams and a temporary roadway crossing in the reservoir, impacting 1.02 acres of wetlands and the construction and maintenance of three temporary crossings in Laurel Hill Creek (HQ-CWF) and two of its tributaries (HQ-CWF) one of which will temporarily impact 0.16 acre of wetlands. To compensate for wetland impacts: 1) the permittee shall construct 1.0 acre of replacement wetlands; 2) the perimeter of the island that is to remain in the reservoir will be replanted with wetland vegetation; and 3) all temporarily impacted wetland areas will be restored to their original grade and reseeded with wetland vegetation. The project is located at the end of Beck Road (Bakersville, PA Quadrangle N: 8.0 inches; W: 10.95 inches).

E63-532. Joseph W. and Kathleen M. Zippay, 427 Old 71, Charleroi, PA 15022. Fallowfield Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a bridge having a span of approximately 16.2 feet with an underclearance of 4.4 feet across Maple Creek (WWF) and to remove the existing retaining wall along the right descending bank of said stream and to construct and maintain a new retaining wall approximately 37.0 feet long along the right descending bank of said stream for the purpose of providing access to applicant's property. The project is located on the south side of

Old 71, approximately 3.0 miles east from the intersection of SR 481 and Old 71. This permit also acknowledges the replacement of an outfall structure and a gas utility line and the construction and maintenance of two temporary cofferdams (Monongahela, PA Quadrangle N: 0.6 inch; W: 4.4 inches).

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

E25-656, Todd M. Benjamin, 3619 Brierwood Drive, Erie, PA 16510. Benjamin Channel Cleaning of tributary to Lake Erie, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 2.2 inches; W: 16.8 inches).

To excavate and maintain approximately 165 feet of the channel of a tributary to Lake Erie between Brierwood Drive and Crestwood Drive west of Nagle Road.

E33-208, Clearfield-Jefferson Counties Regional Airport Authority, P. O. Box 299, Falls Creek, PA 15840. DuBois-Jefferson County Airport Runway Expansion, in Washington Township, **Jefferson County**, ACOE Pittsburgh District (Hazen, PA Quadrangle N: 10.1 inches; W: 2.3 inches).

To fill 0.21 acre of wetlands for the extension of the existing runway at the DuBois-Jefferson County Airport approximately 1.7 miles southeast of the intersection of SR 310 and SR 830. Project includes creation of 0.21 acre of replacement wetland on site adjacent to Kyle Run.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D46-054EA. Albert Herrmann, Collegeville Borough, 491 East Main Street, Collegeville, PA 19426. Collegeville Borough and Lower Providence Township, **Montgomery County**, ACOE Philadelphia District.

To breach and remove the Collegeville Dam across Perkiomen Creek (WWF, MF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,500 feet north of the Perkiomen Bridge (SR 422) (Collegeville, PA Quadrangle N: 11.9 inches; W: 10.4 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-38-002	Tom Carper PPC Lubricants Inc. 900 Eisenhower Boulevard P. O. Box 2621 Harrisburg, PA 17105	Lebanon	Union Township	90 ASTs storing lube oil	390,000 gallons total

SPECIAL NOTICES

Extension of Public Comment Period and Public Hearing Information

Logan Town Centre

Logan Township, Blair County

E07-357. Richard Bowen, Morris Management, P. O. Box 1252, Altoona, PA 16603 in Logan Township, Blair County, ACOE Baltimore District.

To impact 1.14 acres of palustrine emergent, exceptional value wetlands (Hollidaysburg, PA Quadrangle N: 21.1 inches; W: 1.3 inches); 2.72 acres of other palustrine emergent, palustrine open water and palustrine scrub shrub wetlands; 4,603 feet of perennial and intermittent unnamed tributaries to Brush Run (WWF); and to construct and maintain four utility line crossings and a 745-foot enclosure on the upper stream mitigation channel at a point east of Interstate 99 between the Frankstown Road and 17th Street interchanges of Interstate 99 for the purpose of constructing a regional power center shopping mall (Hollidaysburg, PA Quadrangle N: 20.2 inches; W: 1.4 inches) in Logan Township, Blair County. The applicant will create 6.34 acres of emergent and scrub shrub wetlands and 4,927 feet of stream channel onsite as mitigation for the wetland and stream impacts. The project also involves the following activities waived under 25 Pa. Code § 105.12(a)(2) and (3): construction and maintenance of two utility line crossings of an unnamed tributary to Brush Run; one overhead utility line crossing of the upper stream mitigation channel; and one utility line crossing of the lower stream mitigation channel.

The Department of Environmental Protection (Department) is extending the public comment period for the Water Quality Certification under section 401 of the Federal Water Pollution Control Act, the Water Obstructions and Encroachment Permit application and the Environmental Assessment under 25 Pa. Code Chapter 105 for the previous project. The applicant is completing a hydrogeologic study to evaluate the impact of the project. The public comment period will end 30 days after the submission of the hydrogeologic study to the Department. Upon receipt of the hydrogeologic study, the Department will schedule a public hearing and publish an additional notice in the *Pennsylvania Bulletin* and a local newspaper announcing the date, time and place for the public hearing and the date the public comment period will close.

Comments should contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions including the relevant facts upon which the comment is based. Comments should be sent to Nathan Havens, Department of Environmental Protection, South Central Regional Office, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Each commentator will be notified, in writing, of the date, time and place of the public hearing and the date the public comment period will close.

Maps, drawings and other data pertinent to the application are available for inspection in the Department's South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA between the hours of 8 a.m. and 4 p.m. Monday through Friday.

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 Water Management Program in the Department's South Central Regional Office at (717) 705-6639. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Plan Revision Approval under the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

Northcentral Region: Waste Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

The Department of Environmental Protection (Department) approved the Cameron County Municipal Solid Waste Plan on August 15, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472; or to Ron Sommers, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management at the Regional Office previously noted.

Submission Date for Recycling Program Development and Implementation Grant Applications under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the availability of applications for recycling program grant assistance to municipalities under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships and

home rule municipalities. Authorities, councils of governments, or other municipal organizations are not eligible to apply for the grants, but may be sponsored by a municipality.

Eligible grant applications will be limited to those seeking funding for the collection and or processing of source-separated food scraps, leaf and yard waste (organics).

Applicants must be in compliance with the provisions of Act 101 and the implementing regulations to be eligible to receive grant funding. At a minimum, those communities mandated to recycle under Act 101 must have enacted an ordinance that includes, but is not limited to, the following:

- a. A requirement for the separation of leaf waste (as defined by the act) from MSW by residents of homes and apartments.
- b. A requirement for the separation of leaf waste from MSW by commercial, municipal and institutional establishments.
- c. A curbside collection system for leaf waste operating at least seasonally.
- d. Provisions to ensure compliance with the ordinance.
- e. Provisions for the recycling of collected materials.

In addition, mandated municipalities must conduct a recycling education program that notifies all persons occupying every residential, commercial, municipal and institutional establishment within its borders of the requirements of the ordinance. This must be conducted at least once every 6 months. Mandated municipalities may not allow organics identified by ordinance to be burned or disposed.

For communities not mandated to recycle, assurance must be given that organics targeted for collection will be diverted to the recycling program. Ordinances or regulations that allow for the burning of these materials must be amended to exclude organics before grant funds can be awarded. Applicants must be in compliance concerning the annual reporting of materials recycled and any previous grant contract provisions. County applicants should be in compliance with planning and other county-related provisions of the act.

Municipalities are eligible for 90% funding of approved organics recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financial Distressed Communities Act (P. L. 246, No. 47) are eligible for 100% of approved costs. No applicant may request more than \$300,000 in grant funding.

Projects eligible for grant funding are those that divert the following recyclable materials from municipal solid waste: source-separated food scraps and leaf and yard wastes (organics). Grant funding for projects collecting and/or processing source-separated food scraps, leaf and yard waste will be prioritized in the following order:

- a. When implemented, will increase the amount of organics recovered from the previous year of record.
- b. Implemented by a municipality in which the affected community is mandated to participate.
- c. Implemented cooperatively by two or more municipalities.
- d. The level of recycling education exceeds the requirements of section 1501(d) of the act for all persons occupying residential, commercial, institutional and municipal premises.

Eligible recycling program development costs include: organics recycling program design costs; organics recycling market investigations; development of organics recycling market commitments; development of organics recycling program ordinances; developing of organics recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the organics recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect organics, transport organics to processing facilities or markets and vehicles used in the operation of a composting facility; reusable containers for the collection or storage of organics; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture organics into usable products; improvements to land needed to operate an organics composting facility authorized under 25 Pa. Code § 103(h); and the costs associated with educating the public on the organics recycling program requirements, including the development and publication of printed and audio-visual educational materials, advertisements, the development of Internet "Recycling Home Pages" and school or special event programs. A municipality must retain sole ownership of equipment or facilities funded by the grant.

Funding for equipment or facilities purchased for the organics recycling program that are used for recycling and other purposes will be prorated according to its recycling use. Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Potential applicants must contact the appropriate Department Regional Planning and Recycling Coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities which fail to schedule preapplication conferences. Grant application forms are available from Department regional offices and the Department's website at www.dep.state.pa.us (direct LINK "Recycling").

Grant applications must be received or postmarked by 3 p.m. on January 24, 2003. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate Department Regional Office and one copy submitted to the appropriate County Recycling Coordinator. Grant awards will be predicated on the

receipt of recycling fees required by sections 701 and 702 of the act and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Todd Pejack, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization of Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Regional Planning and Recycling Coordinators

Southeast Region

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428-2233
(610) 832-6212
(610) 832-6143 (fax)

Calvin Ligons (cligons@state.pa.us)
Ann Ryan (aryan@state.pa.us)
MaryAlice Reisse (mreisse@state.pa.us)

Northeast Region

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2516
(570) 826-5448 (fax)

Chris Fritz (cfritz@state.pa.us)

Southcentral Region

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
909 Elmerton Avenue
Harrisburg, PA 17110-8200
(717) 705-4706
(717) 705-4930 (fax)

Mark Vottero (mvottero@state.pa.us)

Northcentral Region

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
208 W. 3rd Street, Suite 101
Williamsport, PA 17701
(570) 327-3653
(570) 327-3420 (fax)

Ron Sommers (rsommers@state.pa.us)

Southwest Region

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000
(412) 442-4194 (fax)

Sharon Svitek (ssvitek@state.pa.us)
Bob Emmert (remmert@state.pa.us)
Stephen Sales (ssales@state.pa.us)

Northwest Region

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Department of Environmental Protection
Bureau of Land Recycling and Waste Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6848
(814) 332-6117 fax

Guy McUmbur (gmcumber@state.pa.us)

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of September 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 persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A-1 Realty Services, Inc.	2879 Pricetown Road Temple, PA 19560	Testing
John Bertone	420 William Street Downingtown, PA 19335	Testing
James Bucciarelli	474 Easton Road Horsham, PA 19044	Testing
J. L. Camp Inspection Services, Inc.	6006 Forest Drive Monaca, PA 15061	Testing
Certified Testing Services, Inc.	474 Easton Road Horsham, PA 19044	Testing and Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Andrew Dionne	421 North Chocolate Avenue Hershey, PA 17033	Testing
Stephen Fiorelli	700 Braxton Road Ridley Park, PA 19078	Testing
John Gogal Keystone Inspection Services	P. O. Box 65 Brodheadsville, PA 18322	Testing
Dennis Huson	403 Lake View Lane Mifflinburg, PA 17844	Testing
Robert Kent	1214 Woodbourne Avenue Pittsburgh, PA 15226	Testing
Robert Klebanoff	6 Greenwood Place Wyncote, PA 19095	Testing
Richard Malin & Associates, Inc.	2075 Haymaker Road Monroeville, PA 15146	Testing
Wesley Morgan	176 Churchill Road Turtle Creek, PA 15145	Testing
Ray Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing
Jeffrey Schlaline	800 Locust Grove Road York, PA 17402	Testing
Howard Shanker	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Steel City Radon	414 Manordale Road Pittsburgh, PA 15241	Testing
Mark Tafeen, M.D. Pro-Lab/MTMM, Inc.	3300 Corporate Avenue Building 112 Weston, FL 33331	Laboratory
Michael Tyrell	720 Sourwood Lane Collegeville, PA 19426	Mitigation
Diana Vaccarello	P. O. Box 373 Murrysville, PA 15668	Testing

[Pa.B. Doc. No. 02-1782. Filed for public inspection October 11, 2002, 9:00 a.m.]

Agriculture Advisory Board Meeting Cancellation

The October 16, 2002, meeting of the Agriculture Advisory Board (Board) has been cancelled. The Board's next scheduled meeting will be held on December 18, 2002, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

For further information, contact Dean Auchenbach at (717) 772-5668 or e-mail at dauchenbac@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1783. Filed for public inspection October 11, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "July 2002 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each

bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 257-4200-001. Title: Closure Requirements for Aboveground Storage Tank Systems. Description: This document provides detailed guidance on closure procedures and site assessment activities for large aboveground storage tanks regulated under the Storage Tank and Spill Prevention Act. Effective Date: October 12, 2002. Contact: Bill Baker at (717) 772-5599 or e-mail wibaker@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1784. Filed for public inspection October 11, 2002, 9:00 a.m.]

Pennsylvania Bituminous Mine Safety Advisory Committee Change of Meeting Date

The October 9, 2002, meeting of the Pennsylvania Bituminous Mine Safety Advisory Committee has been rescheduled for October 30, 2002, at 10 a.m. in the Fayette County Health Center, Uniontown, PA.

Questions concerning this meeting should be directed to Allison Gaida at (724) 439-7289 or e-mail agaida@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1785. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH updates of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5) and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard-copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 $\mu\text{g}/\text{dL}$ or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 $\mu\text{g}/\text{dL}$.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, ext. 3273. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ALLEG CNTY CORONERS DIV OF LABS-L
542 FORBES AVENUE
ROOM 10 COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
(412) 350-6873

AMERICAN MEDICAL LABORATORIES INC-LP
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

ANGELINE KIRBY MEM HEALTH CENTER-L
71 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701
(570) 823-5450

ASSOCIATED REGIONAL & UNIV PATH-LP
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787

AURORA CONSOLIDATED LABORATORIES-LP
8901 WEST LINCOLN AVE
WEST ALLIS, WI 53227
(414) 328-7945

CLINICAL LABORATORIES INC-LP
901 KEYSTONE INDUSTRIAL PARK
THROOP, PA 18512-1534
(570) 346-1759

CLINICAL REFERENCE LABORATORY-LP
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652

EAST PENN MFG CO INC-LP
DEKA RD KELLER TECH CENTER
LYONS STATION, PA 19536
(610) 682-6361

ELLWOOD CITY GENERAL HOSPITAL-LP
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

EVANGELICAL MEDICAL SERVICES BUILDING-L
905 US 522
SELINGROVE, PA 17870
(570) 372-6119

GEISINGER MEDICAL CENTER-L
N ACADEMY RD
DANVILLE, PA 17822
(570) 271-6338

GEORGE TOLSTOI LAB—UNIONTOWN HSP-L
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143

GREAT SMOKIES DIAGNOSTIC LAB-L
63 ZILICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621

HAGERSTOWN MEDICAL LABORATORY-L
11110 MEDICAL CAMPUS RD STE 230
HAGERSTOWN, MD 21742
(301) 790-8670

HEALTH NETWORK LABORATORIES-LP
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

LAB CORP OF AMERICA HOLDINGS-LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300

LAB CORP OF AMERICA HOLDINGS-LP
1447 YORK COURT
BURLINGTON, NC 27215
(800) 334-5161

LABCORP OF AMERICA HOLDINGS-LP
69 FIRST AVE PO BOX 500
RARITAN, NJ 08869
(201) 526-2400

LABONE INC-LP
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

LABORATORY CORP OF AMERICA-L
13900 PARK CENTER ROAD
HERNDON, VA 20171
(703) 742-3100

LEAD LAB AT LASALLE UNIVERSITY-L
500 ADAMS AVENUE
PHILADELPHIA, PA 19120
(215) 728-6404

MAIN LINE CLIN LABS LANKENAU CP-L
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

MAYO CLINIC-LP
200 FIRST ST SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

MEDICAL ASSOCIATES PC-P
935 HIGHLAND BLVD SUITE 4400
BOZEMAN, MT 59715
(406) 587-5123

MEDTOX LABORATORIES INC-LP
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(612) 636-7466

MERCY HEALTH LAB/MFH-L
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

MERCY HOSPITAL LABORATORY-L
PRIDE & LOCUST STREETS
PITTSBURGH, PA 15219
(412) 232-7831

NATIONAL MED SERVICES INC LAB-LP
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

OMEGA MEDICAL LABORATORIES INC-L
2001 STATE HILL ROAD SUITE 100
WYOMISSING, PA 19610-1699
(610) 378-1900

PACIFIC TOXICOLOGY LABORATORIES-LP
6160 VARIEL AVENUE
WOODLAND HILLS, CA 91367
(818) 598-3110

PENNSYLVANIA DEPT OF HEALTH-LP
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464

POCONO MEDICAL CENTER LAB-L
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

PRIMARY CARE HLTH SERV INC LAB-L
7227 HAMILTON AVE
PITTSBURGH, PA 15208
(412) 244-4728

PUBLIC HEALTH LAB CITY OF PHILA-L
500 SOUTH BROAD STREET
PHILADELPHIA, PA 19146
(215) 685-6811

QUEST DIAGNOSTICS CLIN LABS INC-L
7600 TYRONE AVENUE
VAN NUYS, CA 91405
(818) 376-6195

QUEST DIAGNOSTICS CLINICAL LABS INC-LP
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

QUEST DIAGNOSTICS INCORPORATED-LP
33608 ORTEGA HIGHWAY
SAN JUAN CAPISTRANO, CA 92690-6130
(949) 728-4000

QUEST DIAGNOSTICS OF PA INC-LP
875 GREENTREE RD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

QUEST DIAGNOSTICS VENTURE LLC-L
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

READING HOSPITAL & MED CTR-L
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

SPECIALTY LABORATORIES-L
2211 MICHIGAN AVENUE
SANTA MONICA, CA 90404
(310) 828-6543

ST JOSEPH QUALITY MEDICAL LAB-L
215 NORTH 12TH STREET BOX 316
READING, PA 19603
(610) 378-2200

TAMARAC MEDICAL-LP
7000 SOUTH BROADWAY SUITE 2C
LITTLETON, CO 80122
(303) 794-1083

TOXI-CON LABORATORY-LP
201 SMALLACOMBE DRIVE
SCRANTON, PA 18508
(570) 963-0722

UPMC PRESBYTERIAN SHADYSIDE CP PUH-L
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1786. Filed for public inspection October 11, 2002, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.25(a) and 205.31 (relating to kitchen; and storage):

St. Paul Homes
339 East Jameson Road
Greenville, PA 16125

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Nipple Convalescent Home
100 South Front Street
Liverpool, PA 17045

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 address: paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers previously listed or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1787. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Ongoing List of Behavioral Health Managed Care Organizations

The Department of Public Welfare (Department) is maintaining an ongoing list of qualified Behavioral Health Managed Care Organizations (BH-MCO) as potential contractors for the HealthChoices Behavioral Health Program (HCBHP) and requesting new submissions for consideration. The development of this list was introduced at 31 Pa.B. 888 (February 10, 2001) as the first step in a two-step process for obtaining a behavioral health contractor, should the need arise. HCBHP is a mandatory managed care program for Medicaid recipients in this Commonwealth. Additional information about HCBHP is available at the Department's website www.dpw.state.pa.us/omap/dpwomap.asp.

The list of qualified BH-MCOs would be utilized in the following circumstances:

- Contract negotiations with a potential contractor selected through a Request for Proposal (RFP) process fail.
- A potential contractor selected through a RFP process fails the Readiness Review process.
- An existing contractor terminates the contract or is terminated by the Department.

As stated in the previous announcement, the list of qualified BH-MCOs will be opened periodically for new submissions. New submissions are being requested from MCOs not currently included on the list. MCOs selected for the list of qualified bidders will remain active on the list for 2 years. After 2 years, they will be required to resubmit information.

The following is a list of requirements necessary to qualify as a potential HCBHP contractor:

- One year of experience with a State behavioral health Medicaid program.
- Not currently under suspension or debarment by the Commonwealth or any other state or Federal government.
- Licensed by the Department of Health and the Insurance Department.
- Management Information System (MIS) experience in processing UB 92 and HCFA 1500 forms.
- MIS capacity to produce person-level encounter data in compliance with the HCBHP requirements.

To apply as a potential HCBHP contractor, submit a letter of interest on official corporate letterhead by November 22, 2002, to Karen Rosenthal, Office of Mental Health and Substance Abuse Services, Room 236, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, fax (717) 772-7964.

Submit the following information to the Department of Public Welfare, Division of Procurement, P. O. Box 2675, Room 106, Health and Welfare Building, Commonwealth and Forster St., Harrisburg, PA 17105-2675, by 2 p.m. on December 20, 2002.

List of Deliverables

1. Describe experience in providing services to Medicaid recipients including:
 - Type of behavioral health (mental health and drug and alcohol) services covered.
 - Description of categories of aid/population covered.
 - Number of years of experience with Medicaid programs.
2. Provide a report on the number of claims processed (for Medicaid population) in the most recent 6-month period, including timeliness of processing clean claims and the number of claims paid/rejected.
3. Provide a flow chart of MIS.
4. Provide a file layout/specification of a person-level encounter report.
5. Provide a copy of current Commonwealth license from the Department of Health and the Insurance Department.
6. Provide a copy of the most recent audited, annual filing with a state insurance department.
7. Provide a copy of the most recent annual audited company financial statement.
8. Outline a plan to start up or expand (if currently operating in this Commonwealth) operations in this Commonwealth.
9. Provide the name, address and phone number of three references familiar with the MCOs operations (one must provide reference from a State Medicaid program).

Department staff will verify the information submitted by the MCOs. As part of the verification process, the Department may conduct an onsite visit. Each MCO will be notified of its qualification status.

The second step of the process is outlined in the event that the list is utilized to obtain a contractor. The Department will:

- Contact the vendors on the list and verify their continued interest in obtaining a HCBHP contract.
- Inform the vendors of the county or counties requiring a BH-MCO contractor.
- Release a procurement document that contains the requirements for the HCBHP to the interested vendors on the list along with instructions on how to submit a bid.
- Evaluate all responses to the procurement document and select a contractor.

The previous two-step process will not replace the RFP process to obtain a HCBHP contract in the remainder of the State. The procurement process for the Northeast, Northwest, Southwest Expansion and the Central zones will follow the same procedure as followed in the Southeast, Southwest and Lehigh/Capital zones, which required a response to a RFP.

Questions may be directed to Raymond Klabe, Office of Mental Health and Substance Abuse Services, Room 247, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 772-7984, fax (717) 772-7964.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users). Persons who require an alternate format should contact Thomas Vracarich, Office of Legal Counsel, (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 02-1788. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Holiday Magic Doubler 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 provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Magic Doubler.

2. *Price:* The price of a Pennsylvania Holiday Magic Doubler instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Holiday Magic Doubler 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 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN) and 16 (SIXTEEN). 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 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN) and a Tree Symbol (TREE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.00 (TWO DOL), \$4.00 (FOUR DOL), \$5.00 (FIVE DOL), \$10.00 (TEN DOL), \$20 (TWENTY), \$40 (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$20,000. A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,440,000 tickets will be printed for the Pennsylvania Holiday Magic Doubler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Tree Symbol (TREE) and a prize play symbol of \$20 (TWENTY) appears under the Tree Symbol (TREE) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40 (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Tree Symbol (TREE) and a prize play symbol of \$10.00 (TEN DOL) appears under the Tree Symbol (TREE) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20 (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Tree Symbol (TREE) and a prize play symbol of \$5.00 (FIV DOL) appears under the Tree Symbol (TREE) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10.00 (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5.00 (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Tree Symbol (TREE) and a prize play symbol of \$2.00 (TWO DOL) appears under the Tree Symbol (TREE) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4.00 (FOR DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "Your Numbers"

*When Any Of Your Numbers Match
Either Of The Winning Numbers Win
With Prize(s) Of:*

	Win	Approximate Odds	Approximate No. of Winners Per 7,440,000 Tickets
\$2	\$2	1:5.91	1,259,840
\$4	\$4	1:166.67	44,640
\$2 × 2	\$4	1:107.14	69,440
\$2 (TREE)	\$4	1:21.43	347,200
\$5	\$5	1:75	99,200
\$10	\$10	1:1,500	4,960
\$5 × 2	\$10	1:750	9,920
\$4 × 2 + \$2	\$10	1:500	14,880
\$2 × 5	\$10	1:500	14,880
\$5 (TREE)	\$10	1:136.36	54,560
\$20	\$20	1:1,500	4,960
\$5 × 4	\$20	1:750	9,920
\$4 × 5	\$20	1:750	9,920
\$10 × 2	\$20	1:300	24,800
\$10 (TREE)	\$20	1:75	99,200
\$40	\$40	1:12,000	620
\$5 × 8	\$40	1:5,000	1,488
\$10 × 4	\$40	1:12,000	620
\$20 (TREE)	\$40	1:6,000	1,240
\$100	\$100	1:40,000	186
\$20 × 5	\$100	1:40,000	186
\$10 × 6 + \$20 (TREE)	\$100	1:40,000	186
\$500	\$500	1:120,000	62
\$100 × 5	\$500	1:120,000	62
\$20,000	\$20,000	1:1,240,000	6

(TREE) = Doubler

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Magic Doubler 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 Holiday Magic Doubler, prize money from winning Pennsylvania Holiday Magic Doubler 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 Holiday Magic Doubler 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

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 prize and approximate odds of winning:

	Win	Approximate Odds	Approximate No. of Winners Per 7,440,000 Tickets
\$2	\$2	1:5.91	1,259,840
\$4	\$4	1:166.67	44,640
\$2 × 2	\$4	1:107.14	69,440
\$2 (TREE)	\$4	1:21.43	347,200
\$5	\$5	1:75	99,200
\$10	\$10	1:1,500	4,960
\$5 × 2	\$10	1:750	9,920
\$4 × 2 + \$2	\$10	1:500	14,880
\$2 × 5	\$10	1:500	14,880
\$5 (TREE)	\$10	1:136.36	54,560
\$20	\$20	1:1,500	4,960
\$5 × 4	\$20	1:750	9,920
\$4 × 5	\$20	1:750	9,920
\$10 × 2	\$20	1:300	24,800
\$10 (TREE)	\$20	1:75	99,200
\$40	\$40	1:12,000	620
\$5 × 8	\$40	1:5,000	1,488
\$10 × 4	\$40	1:12,000	620
\$20 (TREE)	\$40	1:6,000	1,240
\$100	\$100	1:40,000	186
\$20 × 5	\$100	1:40,000	186
\$10 × 6 + \$20 (TREE)	\$100	1:40,000	186
\$500	\$500	1:120,000	62
\$100 × 5	\$500	1:120,000	62
\$20,000	\$20,000	1:1,240,000	6

Pennsylvania Holiday Magic Doubler or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1789. Filed for public inspection October 11, 2002, 9:00 a.m.]

Pennsylvania Holiday Riches 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 provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Riches.

2. *Price:* The price of a Pennsylvania Holiday Riches instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Holiday Riches instant lottery game ticket will contain one play area featuring a "Lucky Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Numbers" area and 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), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and HOLIDAY (10K/MTH/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500 and \$120,000 (10K/MTH/YR). The player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,800,000 tickets will be printed for the Pennsylvania Holiday Riches instant lottery game.

7. *Determination of Prize Winners.*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of HOLIDAY (10K/MTH/YR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

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:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,800,000 Tickets</i>
\$5 × 2	\$10	1:14.29	126,000
\$10	\$10	1:60	30,000
\$5 × 3	\$15	1:30	60,000
\$5 + \$10	\$15	1:37.50	48,000
\$15	\$15	1:150	12,000
\$5 × 2 + \$10	\$20	1:150	12,000
\$5 × 4	\$20	1:75	24,000
\$15 + \$5	\$20	1:150	12,000
\$10 × 2	\$20	1:150	12,000
\$20	\$20	1:150	12,000
\$5 × 5	\$25	1:30	60,000
\$20 + \$5	\$25	1:50	36,000
\$5 × 3 + \$10	\$25	1:50	36,000
\$25	\$25	1:150	12,000
\$5 × 10	\$50	1:631.58	2,850
\$10 × 5	\$50	1:705.88	2,550
\$10 + \$20 × 2	\$50	1:705.88	2,550

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,800,000 Tickets</i>
\$50	\$50	1:1,846	975
\$5 × 10 + \$10 × 5	\$100	1:240	7,500
\$10 × 10	\$100	1:240	7,500
\$20 × 5	\$100	1:240	7,500
\$100	\$100	1:240	7,500
\$10 × 10 + \$20 × 5	\$200	1:120,000	15
\$20 × 10	\$200	1:120,000	15
\$50 × 4	\$200	1:120,000	15
\$200	\$200	1:120,000	15
\$50 × 10	\$500	1:120,000	15
\$100 × 5	\$500	1:120,000	15
\$500	\$500	1:120,000	15
\$10K/MTH/YR	\$120,000	1:600,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Riches 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 Holiday Riches, prize money from winning Pennsylvania Holiday Riches 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 Holiday Riches 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 Holiday Riches or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1790. Filed for public inspection October 11, 2002, 9:00 a.m.]

Pennsylvania Holly Jolly Cash 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 provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holly Jolly Cash.

2. *Price:* The price of a Pennsylvania Holly Jolly Cash instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Holly Jolly Cash instant lottery game ticket will contain one play area

featuring a “Holiday Numbers” area and a “Your Numbers” area. The play symbols and their captions located in the “Holiday 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 Gift Symbol (GIFT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the “Your Numbers” area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$12, \$15, \$25, \$50, \$100, \$500 and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,960,000 tickets will be printed for the Pennsylvania Holly Jolly Cash instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Numbers” play symbols and a prize play symbol of \$50,000 (FTY THO) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one the “Your Numbers” play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$500 (FIV HUN) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Holiday Numbers” play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one the “Your Numbers” play symbols is a Gift Symbol (GIFT), and a

prize play symbol of \$100 (ONE HUN) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$50\$ (FIFTY) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$25\$ (TWY FIV) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$15\$ (FIFTN) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$12\$ (TWELV) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday

Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets upon which any one the "Your Numbers" play symbols is a Gift Symbol (GIFT), and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the Gift Symbol (GIFT) on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Holiday Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears 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 Holiday Numbers, Win With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 3,960,000 Tickets
\$5	\$5	1:15	264,000
\$5 (w/Gift)	\$5	1:12	330,000
\$6	\$6	1:150	26,400
\$6 (w/Gift)	\$6	1:100	39,600
\$2 x 5	\$10	1:100	39,600
\$5 x 2	\$10	1:300	13,200
\$10	\$10	1:300	13,200
\$10 (w/Gift)	\$10	1:60	66,000
\$6 x 2	\$12	1:600	6,600

*When Any of Your
Numbers Match Any
Of The Holiday
Numbers, Win
With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,960,000 Tickets</i>
\$12	\$12	1:300	13,200
\$12 (w/Gift)	\$12	1:300	13,200
\$5 × 3	\$15	1:300	13,200
\$10 + \$5	\$15	1:300	13,200
\$15	\$15	1:300	13,200
\$15 (w/Gift)	\$15	1:150	26,400
\$15 + \$5 × 2	\$25	1:150	26,400
\$5 × 5	\$25	1:75	52,800
\$5 × 3 + \$10	\$25	1:100	39,600
\$10 + \$15	\$25	1:300	13,200
\$25	\$25	1:300	13,200
\$25 (w/Gift)	\$25	1:75	52,800
\$5 × 10	\$50	1:600	6,600
\$10 × 5	\$50	1:600	6,600
\$25 × 2	\$50	1:600	6,600
\$50	\$50	1:600	6,600
\$50 (w/Gift)	\$50	1:600	6,600
\$10 × 10	\$100	1:40,000	99
\$25 × 4	\$100	1:40,000	99
\$100	\$100	1:60,000	66
\$100 (w/Gift)	\$100	1:24,000	165
\$50 × 10	\$500	1:1,320,000	3
\$100 × 5	\$500	1:1,320,000	3
\$500	\$500	1:1,320,000	3
\$500 (w/Gift)	\$500	1:1,320,000	3
\$50,000	\$50,000	1:1,320,000	3

Gift = Win that prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holly Jolly Cash 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 Holly Jolly Cash, prize money from winning Pennsylvania Holly Jolly Cash 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 Holly Jolly Cash 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 of (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 Holly Jolly Cash or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1791. Filed for public inspection October 11, 2002, 9:00 a.m.]

Pennsylvania Yule Win 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 provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Yule Win.

2. *Price:* The price of a Pennsylvania Yule Win instant lottery game ticket is \$20.00.

3. *Play Symbols:*

(a) Each Pennsylvania Yule Win instant lottery game ticket will contain ten play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7, Game 8, Game 9 and Game 10. Each game is played separately.

(b) The play symbols and their captions located in the "Your Numbers" area for Game 1 and Game 6 and the "Your" and "Their" areas for Game 2 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(c) The play symbols and their captions located in the play area for Game 3 and Game 8 are: \$5.⁰⁰ (FIV DOL), \$8.⁰⁰ (EGT DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

(d) The play symbols and their captions located in the "Fast \$25" area for Game 4 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol

(CANE), Hat Symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Snowflake Symbol (SNFLK).

(e) The play symbols and their captions located in the "Your Symbols" area for Game 5 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat Symbol (HAT), Drum Symbol (DRUM) and Wreath Symbol (WREATH).

(f) The play symbols and their captions located in the "Fast \$30" area for Game 7 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat Symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Jingle Bell Symbol (JINGBELL).

(g) The play symbols and their captions located in the play area for Game 9 are: X Symbol (XXX) and Stocking Symbol (STKNG).

(h) The play symbols and their captions located in the "Fast \$40" area for Game 10 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat Symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Sleigh Symbol (SLEIGH).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area for Game 1, Game 2, Game 5, Game 6 and Game 9 are: \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in individual games on this ticket are \$5, \$8, \$10, \$15, \$20, \$25, \$30,

\$40, \$100 and \$10,000. The player can win up to six times on a ticket. Every ticket in the game is a winner, with a prize ranging from \$5 to \$10,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,080,000 tickets will be printed for the Pennsylvania Yule Win instant lottery game.

7. *Description of Game Play Methods:*

(a) Game 1 and Game 6 play method: When the total of "Your Numbers" equals 7 or 11 within a game, win prize shown for that game.

(b) Game 2 play method: When "Your" number is higher than "Their" number within a game, win prize shown for that game.

(c) Game 3 and Game 8 play method: Get three like play symbols in the play area for that game and win that prize.

(d) Game 4 play method: Get a Snowflake Symbol in the "Fast \$25" area to win.

(e) Game 5 play method: Match two like play symbols in the "Your Symbols" area, win prize shown for that game.

(f) Game 7 play method: Get a Jingle Bell Symbol in the "Fast \$30" area to win.

(g) Game 9 play method: Get three Stocking Symbols in any one row, column or diagonal and win prize shown for that game.

(h) Game 10 play method: Get a Sleigh Symbol in the "Fast 40" area to win.

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:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,080,000 Tickets</i>
\$5	\$5	1:2.17	496,800
\$8	\$8	1:30	36,000
\$5 x 2	\$10	1:50	21,600
\$10	\$10	1:75	14,400
\$5 x 3	\$15	1:75	14,400
\$10 + \$5	\$15	1:75	14,400
\$15	\$15	1:150	7,200
\$5 x 4	\$20	1:15	72,000
\$10 x 2	\$20	1:15	72,000
\$5 x 2 + \$10	\$20	1:15	72,000
\$15 + \$5	\$20	1:15	72,000
\$20	\$20	1:37.50	28,800
\$5 x 5	\$25	1:80	13,500
\$5 x 3 + \$10	\$25	1:92.31	11,700
\$5 x 2 + \$15	\$25	1:92.31	11,700
\$15 + \$10	\$25	1:92.31	11,700
\$20 + \$5	\$25	1:100	10,800
\$25 (FAST)	\$25	1:120	9,000
\$25	\$25	1:300	3,600
\$5 x 6	\$30	1:80	13,500
\$10 x 3	\$30	1:85.71	12,600
\$15 x 2	\$30	1:100	10,800
\$20 + \$10	\$30	1:100	10,800
\$25 + \$5	\$30	1:120	9,000
\$30 (FAST)	\$30	1:100	10,800
\$30	\$30	1:240	4,500
\$8 x 5	\$40	1:600	1,800

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,080,000 Tickets</i>
\$10 × 4	\$40	1:600	1,800
\$20 × 2	\$40	1:800	1,350
\$15 × 2 + \$5 × 2	\$40	1:800	1,350
\$25 + \$5 × 3	\$40	1:800	1,350
\$25 + \$15	\$40	1:800	1,350
\$40 (FAST)	\$40	1:266.67	4,050
\$40	\$40	1:2,400	450
\$40 (FAST) + \$30 (FAST) + \$25 (FAST) + \$5	\$100	1:2,667	405
\$20 × 5	\$100	1:4,000	270
\$25 × 4	\$100	1:12,000	90
\$40 × 2 + \$10 × 2	\$100	1:12,000	90
\$100	\$100	1:30,000	36
\$10,000	\$10,000	1:120,000	9

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Yule Win 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 Yule Win, prize money from winning Pennsylvania Yule Win 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 Yule Win 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 Yule Win or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1792. Filed for public inspection October 11, 2002, 9:00 a.m.]

Powerball

The Department of Revenue (Department) published amendments to the Powerball game at 32 Pa.B. 3396 (July 13, 2002), under the authority set forth in 61 Pa. Code § 871.21 (relating to future changes to Powerball). In that publication, the Department referenced the first section that the change would apply to for ticket sales beginning on Sunday, October 6, 2002, for the Powerball drawing on Wednesday, October 9, 2002.

For clarity purposes, the Department is amending 61 Pa. Code § 871.22(1) (relating to changes to Powerball) by adding additional references:

§ 871.22. Changes to Powerball.

* * * * *

(1) Changes effective for Powerball tickets sold on or after October 6, 2002:

(i) Section 871.2(a) and (b) (relating to game description and purpose); § 871.3 (relating to definitions) definition of “basic play,” “first set numbers,” “panel or game panel,” “quick pick,” “ticket” and “winning numbers;” § 871.7(c) (relating to time, place and manner of conducting drawing). Powerball is a five out of 53 plus one out of 42 on-line game. The first set of numbers are selected from 1 through 53.

* * * * *

(v) Section 871.20(a), (c), (j) and (l) (relating to power play promotion). A player may purchase the power play option for the chance to multiply set prizes won as a result of the Powerball drawing by a number ranging from 2 to 5. The power play number will be selected from among the following series of numbers: 2, 2, 2, 3, 3, 4, 4, 4, 5, 5, 5, 5, 5 and 5. Except as otherwise provided, all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

* * * * *

The odds of various power play numbers being selected in a power play drawing are:

<i>Power Play Multiplier</i>	<i>Odds</i>
2	1:5
3	1:5
4	1:5
5	1:2.5

* * * * *

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1793. Filed for public inspection October 11, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Allegheny 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 Federal Highway Administration, the Department of Transportation and the Urban Redevelopment Authority of Pittsburgh are planning the construction of an elevated pedestrian bridge with an elevator/staircase tower. The pedestrian bridge will connect Bessemer Court Plaza with a proposed boat dock landing. The project is located in the City of Pittsburgh, Allegheny County. The project will disturb approximately 0.5 acre of the Pittsburgh & Lake Erie Railroad Complex, which is listed in the National Register of Historic Places and is, therefore, a Section 2002/Section 4(f) resource. The State Historic Preservation Officer has concurred in a determination of "No Effect" upon the Pittsburgh & Lake Erie Railroad Complex. Based upon studies, there is no prudent and feasible alternative to the project.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item 3 as published in the August 28, 1987, *Federal Register*.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. No adverse environmental effect is likely to result from this bridge project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1794. Filed for public inspection October 11, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, September 26, 2002, and took the following actions:

Regulations Approved

Insurance Department #11-209: Privacy of Consumer Health Information (adds 31 Pa. Code Chapter 146b)

Insurance Department #11-204: Safeguarding Insurer Securities (deletes 31 Pa. Code Chapter 148 and replaces it with new Chapter 148a)

State Board of Education #6-278: Academic Standards and Assessment, High School Graduation Requirements (amends 22 Pa. Code § 4.24)

Department of Health #10-159: Drug and Alcohol Facilities and Services (deletes Chapter 263, amends Chapter 701 and adds Chapter 715 to 28 Pa. Code)

Approval Order

Public Meeting held
September 26, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Arthur Coccodrilli; Robert J. Harbison, III

Insurance Department—Privacy of Consumer Health Information; Regulation No. 11-209

On March 4, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking adds 31 Pa. Code Chapter 146b. The proposed regulation was published in the March 16, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 13, 2002. On August 29, 2002, the Department simultaneously tolled and resubmitted the regulation to clarify one subsection. On September 5, 2002, the Department simultaneously withdrew and resubmitted the regulation to correct a wording error.

This regulation requires that insurers obtain authorization from a consumer prior to disclosing the consumer's nonpublic personal health information. The regulation is based on the National Association of Insurance Commissioners Model Privacy of Consumer Financial and Health Information regulation.

We have determined this regulation is consistent with the statutory authority of the Department (40 P. S. § 1171.2) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 26, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Arthur Coccodrilli; Robert J. Harbison, III

Insurance Department—Safeguarding Insurer Securities; Regulation No. 11-204

On April 1, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking deletes 31 Pa. Code Chapter 148 and replaces it with new Chapter 148a. The proposed regulation was published in the April 13, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 5, 2002.

This regulation prescribes permissible methods of holding securities owned by various types of insurers regulated by the Department. It also prescribes the requirements of the custodial agreements under which the securities are held.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 66, 186, 411 and 412) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 26, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Arthur Coccodrilli; Robert J. Harbison, III

State Board of Education—Academic Standards and Assessment, High School Graduation Requirements; Regulation No. 6-278

On August 30, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education. This rulemaking amends 22 Pa. Code § 4.24. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking deletes the requirement that school districts place seals of proficiency or distinction on the high school diplomas of students who score at certain levels on the Pennsylvania System of School Assessment (PSSA) tests. School districts will now be required to issue certificates of proficiency or distinction to students who score at those levels on the PSSA tests. School districts will also be required to place PSSA scores on student transcripts.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. § 26-2603-B(k) and § 32 of Act 88 of 2002) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 26, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Arthur Coccodrilli; Robert J. Harbison, III

Department of Health—Drug and Alcohol Facilities and Services; Regulation No. 10-159

On July 19, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking deletes Chapter 263, amends Chapter 701 and adds Chapter 715 to 28 Pa. Code. The proposed regulation was published in the July 29, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. A final-form regulation was originally submitted on August 20, 2002. On August 26, 2002, the Department withdrew this final-form regulation and simultaneously resubmitted the final-form regulation to the Commission.

This regulation amends the process for approving and monitoring narcotic treatment programs and facilities. The amendments address changes in Federal programs and clinical treatment methods since the original regulations were implemented 25 years ago. There are approximately 30 licensed and approved narcotic treatment programs in the Commonwealth, serving an estimated 9,000 individuals. All will be required to comply with the proposed regulation.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 1690.104(j)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1795. Filed for public inspection October 11, 2002, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

Reg. No.	Agency/Title	Received
106-7	Environmental Hearing Board Practice and Procedure	9/26/02
11-184	Insurance Department Policies and Forms; General Filing Requirements and General Contents of Forms	9/27/02
12-56	Department of Labor and Industry Reasonable Assurance	9/27/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1796. Filed for public inspection October 11, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna U.S. Healthcare HMO; Experience Rating Methodology; Rate Filing; ID No. A63921001

On October 1, 2002, Aetna U.S. Healthcare submitted an Experience Rating Methodology for groups of 300 or more subscribers. The filing submission proposes the use of large claims adjustment factors, rate slope and credibility factors. An effective date of January 1, 2003, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1797. Filed for public inspection October 11, 2002, 9:00 a.m.]

Donegal Mutual Insurance Company; Private Passenger Automobile Rate Filing

On September 25, 2002, the Insurance Department (Department) received from Donegal Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 5.3% increase for the Preferred Rating Program amounting to \$1.474 million annually, to be effective January 1, 2003.

Unless formal administrative action is taken prior to November 24, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1798. Filed for public inspection October 11, 2002, 9:00 a.m.]

Health Net of Pennsylvania, Inc.; Lackawanna/Luzerne Service Area; Rate Filing

On October 1, 2002, Health Net of Pennsylvania, Inc. submitted a rate filing (No. A63922002) for the Lackawanna/Luzerne service area requesting approval of medical rate increases ranging from 7.04% to 9.68% to be effective January 1, 2003. The proposed pharmacy rate increase ranges from 29.55% to 220.33%. The combined rate increase for medical and pharmacy ranges from 9.18% to 29.69%. Approximately 34,635 members will be impacted. The proposed increase will produce additional revenue of \$3.8 million for medical and \$5.9 million for pharmacy.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia, PA.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg,

PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1799. Filed for public inspection October 11, 2002, 9:00 a.m.]

Health Net of Pennsylvania, Inc.; Philadelphia Service Area; Rate Filing

On October 1, 2002, Health Net of Pennsylvania, Inc. submitted a rate filing (No. A63922001) for the Philadelphia service area requesting approval of medical rate increases ranging from 10.89% to 13.63% to be effective January 1, 2003. The proposed pharmacy rate increase ranges from 6.10% to 162.35%. The combined rate increase for medical and pharmacy ranges from 10.31% to 31.64%. Approximately 7,550 members will be impacted. The proposed increase will produce additional revenue of \$1.2 million for medical and \$1.1 million for pharmacy.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia, PA.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1800. Filed for public inspection October 11, 2002, 9:00 a.m.]

Inter-County Health Plan, Inc.; Community-Rated 65 Special B Plans (Health) Rate Increase

Inter-County Health Plan Inc. filed a rate increase for its Medicare health plans as follows:

65 Special B

Standard	\$56.20
Nonconverter	\$55.95
Low Income	\$58.45

These proposed new rates represent an overall increase of 11.2% and will produce annual income of approximately \$262,000. The rate adjustments will affect approximately 3,800 subscribers. An effective date of January 1, 2003, is requested.

Copies of the filing will be available for public inspection, by appointment, during normal working hours, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1801. Filed for public inspection October 11, 2002, 9:00 a.m.]

Inter-County Hospital Plan, Inc.; Community-Rated 65-Select Plans (Hospital) Rate Increase

Inter-County Hospital Plan, Inc. filed a rate increase for its 65-Select (Hospital) plans as follows:

<i>65-Select (Hospital)</i>	<i>Plan A</i>	<i>Plan B</i>	<i>Plan C</i>	<i>Plan D</i>	<i>Plan E</i>	<i>Plan H</i>
First Eligibility	\$25.15	\$41.55	\$57.35	\$57.35	\$60.20	\$125.85
Age 65-69	\$25.15	\$41.55	\$57.35	\$57.35	\$60.20	\$125.85
Age 70-79	\$29.20	\$48.15	\$66.55	\$66.55	\$69.80	\$146.00
Over Age 79	\$32.70	\$54.00	\$74.55	\$74.55	\$78.25	\$163.65
Disableds not at First Eligibility	\$37.75	\$62.30	\$86.05	\$86.00	\$90.25	\$188.80

These proposed new rates represent an overall increase of 17.9% and will produce annual income of approximately \$324,000. The rate increase will affect approximately 2,550 subscribers. An effective date of January 1, 2003, is requested.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1802. Filed for public inspection October 11, 2002, 9:00 a.m.]

Inter-County Health Plan, Inc.; Rate Increase for Community-Rated 65-Select Plans (Health)

Inter-County Health Plan, Inc. filed a rate increase for its 65-Select (Health) plans as follows:

<i>65-Select (Health)</i>	<i>Plan A</i>	<i>Plan B</i>	<i>Plan C</i>	<i>Plan D</i>	<i>Plan E</i>	<i>Plan H</i>
First Eligibility	\$48.10	\$50.00	\$59.15	\$51.90	\$50.00	\$61.40
Age 65-69	\$48.10	\$50.00	\$59.15	\$51.90	\$50.00	\$61.40
Age 70-79	\$55.75	\$58.00	\$68.65	\$60.20	\$58.00	\$71.20
Over Age 79	\$62.50	\$65.05	\$76.90	\$67.50	\$65.05	\$79.80
Disableds not at First Eligibility	\$72.10	\$75.05	\$88.75	\$77.85	\$75.05	\$92.10

These proposed new rates represent an overall increase of 9.5% and will produce annual income of approximately \$172,000. The rate adjustments will affect approximately 2,550 subscribers. An effective date of January 1, 2003, is requested.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1803. Filed for public inspection October 11, 2002, 9:00 a.m.]

Philadelphia Convention and Visitors Bureau; Prehearing**Appeal of Philadelphia Convention and Visitors Bureau; Insurance Company of North America and Pennsylvania Compensation Rating Bureau; Doc. No. RT-02-09-003**

Under section 654 of the Insurance Company Law of 1921 (40 P. S. § 814), the previously captioned appellant has requested a hearing regarding a workers compensation premium refund and its experience rating.

A prehearing telephone conference is scheduled for October 22, 2002, at 1 p.m. A date for hearing, if necessary, will be determined at the prehearing telephone conference.

Petitions to intervene or notices of intervention, if any, must be filed on or before October 21, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building Room 200, 901 North Seventh 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 Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1804. Filed for public inspection October 11, 2002, 9:00 a.m.]

an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1805. Filed for public inspection October 11, 2002, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Vitalicia M. Baez; file no. 02-182-06187; Leader Insurance Company; doc. no. P02-09-017; November 5, 2002, at 10 a.m.

Appeal of R. Scott and Tina M. Lingenfelter; file no. 02-280-04203; Erie Insurance Group; doc. no. P02-09-018; November 7, 2002, at 1:30 p.m.

Appeal of Francis Cromer, Jr.; file no. 02-181-07594; GMAC Insurance Company Online; doc. no. P02-09-022; November 14, 2002, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert M. Kreidler; file no. 02-124-07209; Farmers New Century Insurance Company; doc. no. P02-09-019; on November 5, 2002, at 1:30 p.m.

Appeal of Denise M. Caramenico and Mary C. Keenan; file no. 02-265-04241; State Farm Fire and Casualty Ins. Co.; doc. no. PH02-09-014; on November 6, 2002, at 9 a.m.

Appeal of Lucinda J. Asenjo; file no. 02-188-07076; Allstate Insurance Company; doc. no. P02-09-012; on November 12, 2002, at 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Leona Sims; file no. 02-280-04429; Nationwide Mutual Fire Insurance Company; doc. no. PH02-09-013; on November 6, 2002, at 11 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1806. Filed for public inspection October 11, 2002, 9:00 a.m.]

**United Services Automobile Association and USAA
Casualty Insurance Company; Private Passenger
Automobile Insurance Rate Revision**

On September 26, 2002, the Insurance Department (Department) received from United Services Automobile Association and USAA Casualty Insurance Company a filing for a proposed rate level change for private passenger automobile insurance.

United Services Automobile Association requests an overall 14.6% increase amounting to \$10.9 million annually, to be effective January 31, 2003.

USAA Casualty Insurance Company requests an overall 12.1% increase amounting to \$5.7 million annually, to be effective January 31, 2003.

Unless formal administrative action is taken prior to November 25, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh, and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1807. Filed for public inspection October 11, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

York County, Wine & Spirits Shoppe #6712, Commerce Center, 2143 White Street, York, PA 17404-4940.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,800 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of SR 74 (Carlisle Road) and US Route 30, West Manchester Township.

Proposals due: November 1, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-1808. Filed for public inspection October 11, 2002, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for all Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on November 6, 2002, at 9 a.m. in Room 2, Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the over-order premium that is scheduled to expire on December 31, 2002, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on October 21, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 21, 2002, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on October 25, 2002, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 30, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 02-1809. Filed for public inspection October 11, 2002, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women (Commission) has scheduled a quarterly Commission meeting to be held on Monday, October 21, 2002, from 10 a.m. until 1 p.m. in Room 132, Finance Building, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120, (888) 615-7477, at least 24 hours in advance so arrangements can be made.

NORMA GOTWALT,
Executive Director

[Pa.B. Doc. No. 02-1810. Filed for public inspection October 11, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

A-00119037. Elk County. Application of Elk County for approval to alter the existing crossing by improving a trail under the bridge where SR 0949 crosses over a single track of Buffalo and Pittsburgh Railroad, Inc. (DOT 148 643 H) in Spring Creek Township, Elk County, and the allocation of costs incident thereto.

An initial hearing on this matter will be held Wednesday, November 6, 2002, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1811. Filed for public inspection October 11, 2002, 9:00 a.m.]

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 November 4, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-00119291. Ricky and Leslie Bone, Tenants by Entirety (303 S. Kinzer Road, Paradise, Lancaster County, PA 17562)—persons, in paratransit service, between points in the County of Lancaster, and points in Chester County located within an airline distance of 7 statute miles of the limits of the Borough of Christiana, Lancaster County, and from points in said territory, to points in Pennsylvania, and vice versa, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1812. Filed for public inspection October 11, 2002, 9:00 a.m.]

STATE BOARD OF EDUCATION

Approval of Standards of the Department of Education Necessary to Comply with the No Child Left Behind Act of 2001

Section 2603-B(d)(10)(i) of the Public School Code of 1949 (24 P. S. § 26-2603-B(d)(10)(i)), added by section 31 of the act of June 29, 2002 (P. L. ____, No. 88) (Act 88), empowers the State Board of Education (State Board) to:

Approve or disapprove standards proposed by the [D]epartment [of Education] in order to comply with the provisions of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The [State B]oard shall approve or disapprove the standards within 30 days of submission to the [State B]oard's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

The standards proposed by the Department of Education (Department) and approved or deemed approved by the State Board under § 2603-B(d)(10)(i) must be deposited with the *Pennsylvania Bulletin* for publication. 24 P. S. § 26-2603-B(d)(10)(ii). However, as provided by Act 88, standards promulgated by the Department under § 2603-B(d)(10) are exempt from the following laws:

(A) Sections 201 through 205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P. L. 950, No. 164), known as the Commonwealth Attorneys Act.

(C) The act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act.

24 P. S. § 26-2603-B(d)(10)(iii).

On September 18, 2002, the Department presented to the State Board two sets of proposed standards necessary to comply with the provisions of the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. At its meeting held September 19, 2002, the State Board approved both sets of proposed standards. The resolutions adopted by the State Board reflecting its approval of the Department standards appear as follows. The State Board expects the Department to deposit the approved standards for publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,
Acting Executive Director

RESOLUTION

Whereas, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

Whereas, NCLB, inter alia, amends Title I of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), 20 U.S.C. § 6301 et seq.; and

Whereas, The purpose of Title I is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and academic assessments; and

Whereas, In furtherance of this purpose, Title I provides grants to State education agencies and sub-grants to local educational agencies (or LEAs); and

Whereas, Progress toward the fulfillment of Title I's purpose can be made by closing the achievement gap between high and low-performing children, especially the achievement gap between disadvantaged children and their more advantaged peers; and holding schools, LEAs and States accountable for improving the academic achievement of all students; and

Whereas, State and local educational agencies must comply with the requirements of NCLB in order to maintain eligibility for continued funding under Title I; and

Whereas, Section 1111 of Title I, added by NCLB (20 U.S.C. § 6311), provides that any State desiring a grant is required to submit to the U.S. Secretary of Education a plan which, inter alia, shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all LEAs, public elementary schools and public secondary schools make adequate yearly progress (AYP) as defined under Section 1111(b)(2)(C) of Title I (20 U.S.C. § 6311(b)(2)(C)); and

Whereas, Section 1111(b)(2)(E) of Title I, added by NCLB (20 U.S.C. § 6311(b)(2)(E)), requires each State, using data for the 2001-02 school year, to establish a starting point for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement on the State assessments; and

Whereas, Section 1111(b)(2)(C) of Title I provides that the State shall define AYP in a manner that applies the same standards of achievement to all public elementary school and secondary school students in the State; is statistically valid and reliable; results in continuous and substantial academic improvement for all students; and

measures the progress of public elementary schools, secondary schools, LEAs and the State based primarily on the academic assessments described in Section 1111(b)(3) of Title I (20 U.S.C. § 6311(b)(3)); and

Whereas, Section 1111(b)(2)(C) of Title I further provides that the State must define AYP in a manner that includes separate measurable annual objectives for the achievement of all public elementary and secondary school students and the achievement of economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency; and

Whereas, Section 1111(b)(2)(C) of Title I additionally provides that for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, the disaggregation of data shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student; and section 1111(h)(2)(D) of Title I (relating to reporting requirements) (20 U.S.C. § 6311(h)(2)(D)) specifies that the number shall be determined by the State; and

Whereas, Section 1111(b)(2)(C) of Title I further specifies that the State's definition of AYP must include graduation rates for public secondary school students and at least one other academic indicator for all public elementary school children (which must be valid, reliable and consistent with recognized professional and technical standards, if any); and

Whereas, The Pennsylvania Department of Education (PDE) submitted to the United States Department of Education (USDE), on June 12, 2001, its Consolidated Application (thereby applying for funding for fourteen programs through a single application) and published the Consolidated Application on its web site; and provided numerous opportunities for input through the interactive web site, a public input meeting, meetings with a Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b)), and a focus group, and the solicitation of written comments; and

Whereas, During meetings with the Committee of Practitioners and focus group, PDE specifically sought input regarding the definition of the starting point for measuring AYP; the method of measurement; and other indicators of AYP; and

Whereas, Based on research, consensus, and discussion, PDE recommends the adoption of the "intermediate method," which involves "stepped" goals, as a means of calculating AYP, with PDE providing yearly targets to assist local educational agencies in measuring progress within this method, as this method provides local educational agencies with greater flexibility; and

Whereas, Pennsylvania has already adopted "proficiency" as a measure of student progress in state assessments; and

Whereas, PDE has recommended as a standard that 75 be adopted as the required number of students tested (per building) to form a group for purposes of measuring AYP of students who are members of economically disadvantaged, major racial and ethnic groups, students with disabilities, and limited English proficient students; and

Whereas, PDE has recommended as a standard that child attendance rates be adopted as the required additional indicator of AYP for elementary schools and students; and

Whereas, Section 2603-B(d)(10) of the Public School Code of 1949 (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty to approve or disapprove standards proposed by PDE in order to comply with the provisions of NCLB to maintain eligibility for federal funding, within thirty (30) days of submission to the State Board's office or at the State Board's next scheduled meeting, whichever is sooner; and

Whereas, PDE submitted its proposed standards to the State Board on September 18, 2002; and

Whereas, On September 18, 2002, the special committee of the State Board established to work with PDE in the development and review of standards necessary to comply with NCLB (the NCLB Committee) conducted a public meeting to review and discuss the standards presented by PDE for approval by the State Board and to receive public comment on the proposals; and *Whereas*, The NCLB Committee on September 18, 2002, approved a motion to recommend to the State Board that it approve the standards proposed by PDE; and

Whereas, At the regular business meeting of the State Board held September 19, 2002, the Secretary of Education made a detailed presentation explaining the standards presented by PDE for approval by the State Board; and

Whereas, The State Board at its September 19, 2002, meeting publicly voted to approve the proposed standards presented to it by PDE.

Now, Therefore, Be It

Resolved: That Pennsylvania's current definition of "proficiency" shall be used as the starting point for measuring AYP under NCLB; and be it further

Resolved: That the "intermediate method" shall be adopted as the method of calculating AYP, with PDE providing yearly targets to assist local educational agencies in measuring progress within this method; and be it further

Resolved: That child attendance rates shall be adopted as the required additional indicator of AYP for elementary schools and students; and be it further

Resolved: That seventy-five (75) shall be adopted as the required number of students tested (per building) to form a group for purposes of measuring AYP of students who are economically disadvantaged, members of major racial and ethnic groups, students with disabilities, and limited English proficient students.

RESOLUTION

Whereas, The purpose of Title I of the Elementary and Secondary Education Act of 1965 (ESEA) (P. L. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), 20 U.S.C. § 6301 et seq., can be accomplished by the implementation of several actions including, but not limited to: ensuring that high-quality academic assessments and accountability assessments are aligned with challenging State academic standards so progress can be measured against common expectations for student achievement; closing the achievement gap between high and low-performing children, especially the achievement gap between disadvantaged children and their more advantaged peers; and holding schools, local educational agencies (or "LEAs") and states accountable for improving the academic achievement of all students; and

Whereas, State and local educational agencies must comply with the requirements of Title I, as amended by the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), in order to maintain eligibility for continued federal funding; and

Whereas, Section 1111(b)(2)(A) of Title I, as added by NCLB (20 U.S.C. § 6311(b)(2)(A)), requires each State to demonstrate that it has developed and is implementing a single, statewide State accountability system that will be of high quality, technically valid and reliable, aligned with the State's academic content and student achievement standards, and based upon the same content expectations for all children; and

Whereas, Section 1111(b)(3)(A) of Title I (20 U.S.C. § 6311(b)(3)(A)) specifically requires that, beginning no later than the 2005-06 school year, States assess all students in grades three through eight against the challenging State academic content standards in, at a minimum, math and reading and/or language arts and, beginning in the 2007-08 school year, in science for students in grades four, seven and ten; and

Whereas, Pennsylvania currently uses the PSSA to assess students in grades three, five, eight and eleven in reading and mathematics and to assess students in grades six, nine and eleven in writing; and

Whereas, Many LEAs currently have in place assessments for grades four, six and seven; and

Whereas, The Pennsylvania Department of Education (PDE) solicited recommendations for designing an assessment model that considers local control issues, makes the best use of existing assessment structures, maintains the historical base of LEA assessments to the extent possible, and meets NCLB's content, comparability and technical requirements; and

Whereas, The Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b)), and focus group recommended that to the extent possible, the State use assessments that are currently in place; and

Whereas, The Committee of Practitioners recommended the Value-Added Assessment System, as a component of the system of assessments, which will provide LEAs with analysis and reports to offer valuable information that will be used for focused program improvement; and

Whereas, Section 3121 of Title III of the ESEA, added by NCLB (20 U.S.C. § 6841), requires that each State approve evaluation measures that are designed to assess the progress of children in attaining English proficiency, including a child's level of comprehension, listening, speaking, reading and writing skills in English; and

Whereas, Pennsylvania currently has more than 32,000 students who are receiving language proficiency services; and

Whereas, LEAs with large student populations use several commercial assessments; and

Whereas, Some LEAs currently use commercial assessments that measure skills in the five domains, but are not totally aligned with Pennsylvania academic standards and content expectations; and

Whereas, Pennsylvania will serve as the lead state in a consortium of states to develop an assessment to meet the needs of NCLB; and

Whereas, PDE has recommended as a standard supplementing current use of the PSSA with the use of a limited

number of commercially available assessments already used as local assessments in reading and math for grades four, six and seven; and

Whereas, Section 2603-B(d)(10) of the Public School Code of 1949 (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty to approve or disapprove standards proposed by PDE in order to comply with the provisions of NCLB to maintain eligibility for funding, within thirty (30) days of submission to the State Board office or at the next scheduled meeting, whichever is sooner; and

Whereas, PDE submitted its proposed standards to the State Board on September 18, 2002; and

Whereas, On September 18, 2002, the special committee of the State Board established to work with PDE in the development and review of standards necessary to comply with NCLB (the NCLB Committee) conducted a public meeting to review and discuss the standards presented by PDE for approval by the State Board and to receive public comment on the proposals; and

Whereas, The NCLB Committee on September 18, 2002, approved a motion to recommend to the State Board that it approve the standards proposed by PDE; and

Whereas, At the regular business meeting of the State Board held September 19, 2002, the Secretary of Education made a detailed presentation explaining the standards presented by PDE for approval by the State Board; and

Whereas, The State Board at its September 19, 2002, meeting publicly voted to approve the proposed standards presented to it by PDE.

Now, Therefore, Be It

Resolved: That administration of the PSSA shall be continued, and the PSSA shall be supplemented with a limited number of commercially available assessments currently used as local assessments in grades four, six and seven for reading and mathematics; and be it further

Resolved: That the Value Added Assessment System model be added as a component of the assessment system model; and be it further

Resolved: That upon completion and availability of the language proficiency assessment developed by the Consortium, local educational agencies shall be required to administer that test to students with limited English proficiency in accordance with the requirements of NCLB; and be it further

Resolved: That administration of an approved language proficiency assessment(s) that measures skills in the five domains shall be required during the transition years until the test developed by the Consortium is available.

[Pa.B. Doc. No. 02-1813. Filed for public inspection October 11, 2002, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement

Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

November 13, 2002	Richard V. Campoli (Age 50 Retirement Credit for Prior Service)	1 p.m.
November 20, 2002	Nancy J. Cortopassi (Denial of Application for Disability Retirement Benefits)	1 p.m.
November 21, 2002	William R. Gowden (Denial of a Service Connected Disability Supplement)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 02-1814. Filed for public inspection October 11, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering or Construction Management Firm

Construction Inspection/Project Management Services for the Southern Beltway Transportation Project

PA 60 to PA 22—Findlay Connector Allegheny and Washington Counties

Reference No. E-016

The Turnpike Commission (Commission) will retain an Engineering or Construction Management firm for construction inspection, management, administration and documentation services during the construction of 5.5 miles of limited access highway on new alignment between PA 60 to US 22 of the Southern Beltway Transportation Project, also known as the Findlay Connector, in Allegheny and Washington Counties. The selected firm will be expected to provide extensive coordination efforts between several construction contracts during construction as well as providing some coordination with respect to constructability during the final design of this project if necessary.

Construction of this project will include approximately three construction contracts, plus an additional construction contract for signing. The total estimated cost of this construction is approximately \$160 million. The Consult-

ant Agreement is anticipated to start in March 2003 and terminate in January 2006. Actual construction is anticipated to start in the Spring of 2003. This project will be financed with Federal, State and Commission funds, and applicable Federal requirements will apply.

Wrap-up insurance is expected to be utilized on this project. The Construction Management Firm will participate and be included under this insurance program.

The selected firm will be required to provide approximately 18 full-time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm may be expected to participate in the remaining design and project development meetings. The selected firm will be required to attend the prebid meeting and preconstruction conference, write all project correspondence and review and approve contractor's submissions. In addition, the selected firm will be required to keep records utilizing the Commission's Construction Documentation System to document the construction progress. The selected firm will also be expected to prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities and railroads, communities and the press, conduct semifinal and final inspection, and determine the final quantities for each contract item. The Construction Management team will also be expected to handle public relation activities for the project, which would include, but may not limited to, development and maintenance of a project website, press conferences, answering customer questions, informational brochures and other duties as required. Significant airport coordination prior to and during construction and full-time environmental monitoring will also be required.

It should be noted that the Commission may assign its field inspection personnel to this project as an addition to the Construction Management Firm's staff or in lieu of CM's inspection staff on a temporary or permanent basis throughout the life of this project. The Construction Management Firm will be required to make any and all accommodations for Commission personnel.

Eighty percent of the inspection staff assigned to this Commission construction project must meet the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a professional engineer by the Commonwealth with 1 year of highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.
5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from high school or equivalent certification or formal training. Completion of a training

program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to coordinate multiple construction contracts and manage large-scale public works projects.
- b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.
- e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest. Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of DBE. The goal of DBE participation in this contract will be 12%. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the Statement of Interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address), (717) 939-9551 ext. 4241. The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

Questions and inquiries concerning this project should be directed to Matthew J. Wagner, P. E., (717) 939-9551, Ext. 5210 or e-mail at mwagner@paturndpike.com. Contractual questions should be directed to George M. Hatalowich, (717) 986-8737 or e-mail at ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Statement of Interest

with the required information for each reference number listed. The Statements of Interest must include the following:

1. A one-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. A three-page Statement of Interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the Statement of Interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the Statement of Interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254-Architect-Engineer and Related Services Questionnaire not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. Limit to two 8 1/2" x 11" pages, per person. Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate Statements of Interest from joint venture constituents. A firm will not be permitted to submit a Statement of Interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a Statement of Interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The Statement of Interest and required information must be received by 12 p.m. on Friday, November 1, 2002. Statements of Interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable Statements of Interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement. Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all Statements of Interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1815. Filed for public inspection October 11, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

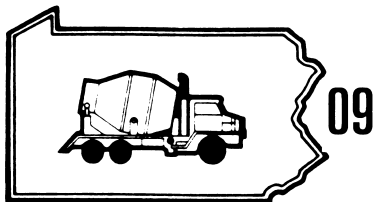
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

SERVICES



Construction & Construction Maintenance

ME-20881036 Construct shell for a maintenance building to include wood post framing, steel siding and roofing at the Loysville Youth Development Center.

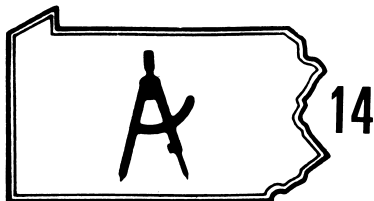
Department: Public Welfare
Location: Loysville Youth Development Center, R. D.#2, Box 365, Loysville, PA 17047.
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881040 Prepare and pave basketball court at the Green Building at the North Central Secure Treatment Unit.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881041 Install high voltage transformers and switchgear in the Green Building at the North Central Secure Treatment Unit.

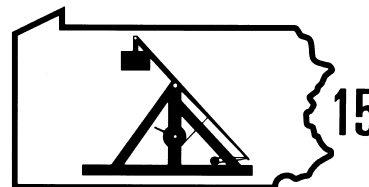
Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



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.

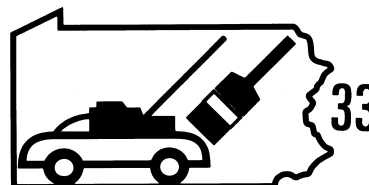
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

BF 424-101.1 Abandoned Mine Land Reclamation Project, Benjamin Coal Company, Mining Permit No. 17810120-08. Principal items of work and approximate quantities are: 183,950 c.y. grading area A; 10,450 c.y. grading area B; 1,800 ton high calcium carbonate lime; 425 c.y. ditch excavation 1,050 s.y. high velocity erosion control mulch blanket; 230 ton roadway surface material; thirty-six inch corrugated polyethylene pipe; and seeding 19.5 acres. This project issues October 11, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Bell Township, Clearfield County
Duration: 210 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994



Property Maintenance

ME-20881035 Construct and install metal window guards on first floor windows of the Danville Center for Adolescent Females.

Department: Public Welfare
Location: Danville Center for Adolescent Females, 13 Kirkbride Drive, Danville, PA 17821 (located on the grounds of Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881039 Replace sidewalks and steps at front entrance of Reed Building at the North Central Secure Treatment Unit, Danville, PA.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881042 Re-install vinyl coated chainlink fencing, poles, gates, and concertina wire (approx. 1900 feet long) at the Green Building at the North Central Secure Treatment Unit.

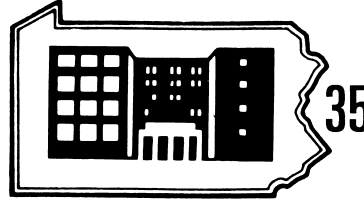
Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881037 Provide and install vinyl soffit, aluminum fascia, and gutters on Slifer Building at the Loysville Secure Treatment Unit.

Department: Public Welfare
Location: Loysville Secure Treatment Unit, R. D.#2, Box 500, Loysville, PA 17047 (located on the grounds of the Loysville Youth Development Center).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ME-20881038 Provide and install thermopane replacement windows and insulated doors on the Farm Manager's House, Danville, PA.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital).
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Real Estate Services

WC 772 West Chester stone colonial on 1+ ac, 4 BR, 1.5 BA, LR, DR, FR, KIT, fireplace, gar. Walking distance to WCU. Avail immed. \$1,400/mo. + util. Lease arrangement will not extend beyond August 31, 2003. Interested parties must complete a Rental Application and RFP document and return same to 201 Carter Drive, Suite 200, Room 210, West Chester, PA 19383 on or before 11:00 a.m. on October 4, 2002. Please call 610-436-2705 for additional information and to obtain a Rental Application and RFP document. (Re: WC 772).

Department: State System of Higher Education
Location: West Chester, PA
Duration: Lease arrangement will not extend beyond 8/31/03.
Contact: Marianne Peffall, (610) 436-2705

[Pa.B. Doc. No. 02-1816. Filed for public inspection October 11, 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
1037252-01	09/26/02	Commonwealth Office Systems Inc.	\$32,850.00
1054112-01	09/26/02	Fibre Processing Corp.	62,775.00
1060382-01	09/26/02	Allsafe/Mes Inc.	18,036.72

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1060382-02	09/26/02	Ansul DBA Wildfire	18,277.15
8254080-01	09/30/02	Crafco	46,738.00

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-1817. Filed for public inspection October 11, 2002, 9:00 a.m.]

