

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Governor  
The Courts  
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Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
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State Board for Certification of Sewage  
Enforcement Officers  
State Board of Nursing

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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 GOVERNOR'S OFFICE

## Amendment to Proclamation

November 7, 2002

*Whereas*, on February 12, 2002, I declared a state of drought and water shortage emergency in twenty-four counties of the Commonwealth due to a long and continuing period of rainfall deficits and a lack of winter snow accumulation which resulted in abnormally low stream flows, reduced groundwater levels and water supply shortages within those counties; and

*Whereas*, on May 7, 2002, and August 9, 2002, I renewed the Declaration of Drought Emergency for ninety days in several counties of the Commonwealth due to insufficient amounts of rainfall to replenish the groundwater levels or return overall water supplies to their normal levels within those several counties; and

*Whereas*, on September 5, 2002, five counties were added to the Declaration of Drought Emergency; and

*Whereas*, since the date of renewal of the Declaration of Drought Emergency, there have continued to be insufficient amounts of rainfall in Cumberland, Chester and Delaware Counties to replenish the groundwater levels or return overall water supplies to their normal levels within those three counties; and

*Whereas*, the present drought and water shortage conditions are expected to continue or worsen within those three counties during the next sixty to ninety day period of time; and

*Whereas*, my Proclamation of Drought Emergency renewal of August 9, 2002, will automatically expire on November 8, 2002, unless renewed by this Amendment.

*Now Therefore*, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), do hereby order and direct as follows:

1. The Proclamation of Drought Emergency of February 12, 2002, is renewed for a period of ninety days and shall continue to apply to the following counties: Chester, Cumberland and Delaware.

2. All of the authorized actions by state agencies and departments, regulations, water-use restrictions and other terms, conditions, and provisions of the February 12, 2002, Declaration of Drought Emergency shall continue in full force and effect in the three counties that remain in the designated drought emergency area until either rescinded by me or terminated by law.

3. This Proclamation amendment shall take effect immediately.

*Given* under my hand and the Seal of the Governor in the City of Harrisburg on this seventh day of November in the year of our Lord two thousand and two and of the Commonwealth the two hundred and twenty-seventh.



Governor

[Pa.B. Doc. No. 02-2047. Filed for public inspection November 15, 2002, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1900—1920]

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations; No. 378; Civil Procedural Rules Doc. No. 5**

#### Order

*Per Curiam:*

And Now, this 31st day of October, 2002, Pennsylvania Rules of Civil Procedure 1905, 1910.2, 1910.16-6, 1910.16-7, 1915.3 and 1920.74 are amended and new Rule 1910.2-1 is promulgated 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 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

**Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.**

\* \* \* \* \*

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

#### FINAL ORDER OF COURT

\* \* \* \* \*

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

Names	Dates of Birth
_____	_____
_____	_____
_____	_____

**CHECK ALL THAT APPLY:**  
Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a common child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares biological parent-hood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this day of , [ 19 ] 20 , the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows:

\* \* \* \* \*

[ ] Plaintiff's request for a final protection order is denied.

#### OR

[ ] Plaintiff's request for a final protection order is granted.

[ ] 1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to the Plaintiff or any other protected person in any place where they might be found.

[ ] 2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this Order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

\* \* \* \* \*

[ ] 3. Except as provided in Paragraph 5 of this Order, Defendant is prohibited from having ANY CONTACT with the Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at the Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order: \_\_\_\_\_

\* \* \* \* \*

[ ] 5. Custody of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows: (STATE TO WHOM PRIMARY PHYSICAL CUSTODY AWARDED; STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY.)

\* \* \* \* \*

[ ] 7. Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this [order] Order. Any weapons delivered to the sheriff under Paragraph 6 of this Order or under Paragraph 6 of the Temporary Order shall not be returned until further order of court.

\* \* \* \* \*

[ ] 9. Defendant is directed to pay temporary support for: (INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID) as follows: (INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER). This order for support shall remain in effect until a final order is

entered by this Court. However, this order shall lapse automatically if the Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect the Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

[ ] 10. The costs of this action are waived as to the Plaintiff and imposed on Defendant. [ 11 ]

[ ] 11. Defendant shall pay \$ \_\_\_\_\_ to Plaintiff as compensation for plaintiff's out-of-pocket losses, which are as follows:

OR

[ ] Plaintiff is granted lease to **present** a petition, with appropriate notice to Defendant, to [ INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PERSENTED ] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the Prothonotary's Office for the filing of this petition.

[ ] 12. **BRADY INDICATOR.**

1. [ ] **The Plaintiff or protected person(s) is a spouse, former spouse, a person who cohabitates or has cohabited with the Defendant, a parent of a common child, a child of that person, or a child of the Defendant.**

2. [ ] **This order is being entered after a hearing of which the Defendant received actual notice and had an opportunity to be heard.**

3. [ ] **Paragraph 1 of this Order has been checked to restrain the Defendant from harassing, stalking, or threatening Plaintiff or protected person(s).**

4. [ ] **Defendant represents a credible threat to the physical safety of the Plaintiff or other protected person(s).**

OR

[ ] **The terms of this order prohibit Defendant from using, attempting to use, or threatening to use physical force against the Plaintiff or protected person that would reasonably be expected to cause bodily injury. ]**

[ 13 ] 12. \* \* \*

[ 14 ] 13. All provisions of this order shall expire in [ **one year** ] **eighteen months**, on (INSERT EXPIRATION DATE)

#### NOTICE TO THE DEFENDANT

**VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA.C.S. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE.**

**THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT, 18 U.S.C. §§ 2261—2262. [ IF PARAGRAPH 12 OF THIS ORDER HAS BEEN CHECKED, YOU MAY BE SUBJECT TO FEDERAL PROSECUTION AND PENALTIES UNDER THE "BRADY" PROVISIONS OF THE GUN CONTROL ACT, 18 U.S.C. § 922(g), FOR POSSESSION, TRANSPORT OR RECEIPT OF FIREARMS OR AMMUNITION. ] IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C. § 922(g)(8).**

\* \* \* \* \*

#### Explanatory Comment-Rule 1905 Forms-1997

The use of standardized forms provides uniformity and is also critical to the enforcement of protection orders both inside and outside of the Commonwealth. These forms are substantially based on those proposed by members of the Pennsylvania Coalition Against Domestic Violence and have been further refined to accommodate the litigants need for simplicity, the court's need for flexibility and law enforcement's need for certain identifying information necessary to enforce the protection order.

The forms must be used so that all protection orders can be properly registered with the statewide PFA Registry and the federal Protection Order File (POF) established by the National Crime Information Center (NCIC) for the collection of information that is necessary for nationwide enforcement of protection orders. Entering a protection order into the Registry and NCIC file enables law enforcement to immediately verify the existence and terms of the order. It is important, therefore, that all protection orders be registered with these two files. To this end, the forms capture all of the information that is required for data entry and the form orders are further structured to present that information in the order and sequence that is most helpful to the various law enforcement agencies responsible for entering the information into the files. Once the information reaches the Registry and is accepted by the NCIC file, it becomes immediately accessible to law enforcement agencies, dispatchers and courts throughout the country.

#### [ I. GENERAL USE OF FORMS ]

The provisions in the form petition and orders reflect the most common forms of relief available under the Protection from Abuse Act. Plenty of space, however, is provided for plaintiff to request additional relief, and for courts to fashion appropriate relief, based on the individual circumstances of the litigants. Since all of the provisions will not necessarily apply in every case, the forms adopt a checkbox method that requires the user to affirmatively check only those provisions which are applicable to his or her situation.

In cases where a provision is generally applicable but its terms do not correspond precisely to the relief being requested or granted, the user should not check the standard provision but instead should use the blank

spaces provided in the forms to specify the relief. For example, while the final order contains a standard provision permitting the defendant to retrieve personal belongings only in the company of a police officer, there may be more suitable methods of retrieval available in some cases. If so, then the plaintiff or court should use the blank spaces provided in the form petition or order (rather than the standard provision) to specify the alternative manner of retrieval.

## [ II. THE BRADY LAW

Paragraph 12 of the final protection order reflects what are known as the "Brady" provisions of the federal Violent Crime Control and Law Enforcement Act of 1994 (P. L. 103-322), codified at 18 U.S.C. § 922(g). These provisions amend the Gun Control Act of 1968 to extend the prohibitions relating to the possession, receipt and purchase of firearms and ammunition to persons who are subject to a final protection order, if the order meets the following four criteria: 1) the order must have been entered after a hearing of which the defendant received actual notice and had the opportunity to participate; 2) the plaintiff or protected person is an "intimate partner" within the meaning of 18 U.S.C. § 921(a)(32), or a child of an intimate partner, or a child of the defendant; 3) the terms of the order restrain the defendant from harassing, stalking, or threatening the plaintiff or protected person; and 4) the order includes a finding that the defendant represents a credible threat to the physical safety of the intimate partner or child or by its terms explicitly prohibits the use, attempted use or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" is defined as a spouse, former spouse, a person who cohabitates or has cohabited with the defendant, or a parent of a child who is protected under the order, 18 U.S.C. § 921(a)(32).

The Brady indicator is a mandatory field for entry of a protection order into the national NCIC file, i.e., federal data entry agencies are required to indicate by a "Yes" or "No" response whether a final protection order meets these criteria for disqualifying a defendant from possessing or purchasing firearms or ammunition. Thus, if all four provisions of Paragraph 12 are affirmatively checked, the order will be entered into a statewide Registry and the NCIC file as a "Yes" response indicating that the defendant may be subject to prosecution by the appropriate authorities under federal law if he or she possesses, receives or purchases firearms at any time while the order is in effect. If all four provisions have not been checked, then the order is entered as a "No" response indicating that the order is not Brady-eligible.

It is important to distinguish the Brady disqualifier in Paragraph 12 of the final order from the scope of relief contemplated by Paragraphs 6 and 7 of the temporary and final orders. Under the Protection from Abuse Act, 23 Pa.C.S. § 6108(a)(7), a court may order the defendant to relinquish to the sheriff any weapons which were used or threatened to be used in an incident of abuse and to prohibit the defendant from acquiring or possessing any other weapons for the duration of the order. The "weapon" used in an incident of abuse may or may not be a firearm. If the weapon used is not a

firearm, the defendant may still be disqualified from possessing or purchasing a firearm under Brady if the order otherwise meets the criteria under federal law.]

## CHAPTER 1910. ACTIONS FOR SUPPORT

### Rule 1910.2. Venue. Transfer of Action.

\* \* \* \* \*

[ (e) If neither party to an action presently resides in the county where the action is pending or a support order is in effect, and the defendant-obligor is not employed in that county, the court may transfer the action or order or both to any county where either party resides or where the defendant-obligor is regularly employed.

(f) It shall be the duty of the domestic relations section of the court in which the action is pending to forward to the domestic relations section of the court to which the action is transferred all papers filed in the action and a certified copy of the docket entries.

(g) ] (e) \* \* \*

#### Explanatory Comment—1999

[ The amendments to this Rule are intended to implement the Uniform Interstate Family Support Act (UIFSA) and the Intrastate Family Support Act (IFSA) to facilitate the fair and prompt establishment of child support by means of encouraging the support litigation to take place as a local action in one forum only.] Under the former rule, venue in support matters was in the county where the defendant lived or worked, or in the county where the plaintiff lived if that county was the last family domicile. The amended Rule expands the circumstances under which venue lies in the county in which plaintiff resides. If the action is one for spousal and child support or child support only, plaintiff may bring the action in the county in which the child resides regardless of whether that county was the last family domicile. [ The defendant will be required to defend the action there unless he or she can establish sufficient grounds for transfer of the action pursuant to subdivisions (c) through (e) of the proposed rule.] It is important to note, however, that the court may always permit a party or witness to testify by telephone, audiovisual or other electronic means at specially designated locations. 23 Pa.C.S. § 4342(j).

\* \* \* \* \*

[ Subdivisions (c) through (e) identify the circumstances under which a support action may be transferred to another county. New subdivision (c) is designed to avoid multiple claims from being litigated in different counties. Subdivisions (d) through (f) are adopted verbatim from former Rule 1910.8 and were moved to Rule 1910.2 only for the convenience of the practitioner in resolving questions of venue.]

#### Rule 1910.2-1. Procedures Pursuant to the Intrastate Family Support Act.

(a) The court in the county in which the complaint for support is filed shall retain and process the case for so long as all of the following conditions are met:

- (1) there is proper venue pursuant to Rule 1910.2;
- (2) the defendant-obligor's mailing address is known;
- (3) sufficient information is known about the defendant-obligor's employment to enable the court to issue an earnings subpoena; and
- (4) the obligee consents.

**Official Note:** A support action should be maintained in the county in which the obligee and/or the child(ren) reside and should not involve a second county unless the county of residence is unable to obtain service on the defendant-obligor or obtain information regarding the defendant-obligor's employment. However, the obligee is permitted to request that the case proceed under the Intrastate Family Support Act (IFSA) in accordance with 23 Pa.C.S. § 8103.

If the venue requirements are met, the court in the obligee's county of residence should attempt to retain the case if there already is an order in that county against the same defendant-obligor in this or another child/spousal support case or if the defendant-obligor is incarcerated.

(b) If courts in two or more counties must be involved in the establishment and enforcement of an obligation for support:

- (1) the case must proceed pursuant to the Intrastate Family Support Act; and
- (2) venue shall follow the defendant-obligor in order to maintain the availability of statutory enforcement remedies.

**Explanatory Comment—2002**

Upon receipt of an Intrastate Family Support Act ("IFSA") complaint, the responding court shall accept the complaint and its original filing date.

The obligee in an IFSA action is not required to be physically present in the responding court at any proceedings to establish, enforce or modify a support order, or to make a determination of paternity. 23 Pa.C.S. § 8311(f) and (g) permits documentary evidence and testimony to be transmitted or obtained through the use of electronic media. In the event that additional information is required from the obligee, the responding court must notify the obligee as to the information needed and the acceptable means of providing it, and offer the obligee the assistance and use of the initiating court's staff and/or facilities to transmit such information. Telephonic hearings are authorized by Rule 1930.3 to accommodate out-of-county parties in both IFSA and locally-filed cases with the approval of the court upon good cause shown. The responding court must provide legal representation for an out-of-county obligee, where necessary, unless the obligee elects to be represented by private counsel.

(c) A support order shall not be registered in another county unless:

- (1) requested by the obligee, or
- (2) necessary to maintain an order for support, to obtain payment of the support obligation or to consolidate multiple cases involving the same defendant-obligor.

**(d) Only one support order shall be charging against a defendant-obligor for the same spouse and/or child(ren) at one time.**

**Explanatory Comment—2002**

If the obligee no longer resides in the initiating county, the initiating court may close its case after the following steps have been completed: 1) sending a copy of its docket file to the court in the obligee's new county of residence; 2) notifying the obligee and responding court, if applicable, of when and where the case was transferred; and 3) receiving from the court in the new county of residence acknowledgment of its receipt of the docket file and assumption of the initiating role.

If the defendant-obligor no longer resides in Pennsylvania or is employed outside the commonwealth, and the responding court cannot enforce the order or subpoena earnings or income information, the responding court must consider registration of the case under the provisions of the Uniform Interstate Family Support Act (UIFSA).

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

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes and obligor's share added to his or her basic support obligation.

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

**Official Note:** While cosmetic, chiropractic, psychiatric and psychological expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

\* \* \* \* \*

**Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.**

\* \* \* \* \*

(d) When an obligor is subject to more than one order for child support, spousal support and/or alimony pendente lite, the priority for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows unless the court specifically orders a different distribution priority:

- (1) current child support.
- (2) medical, child care or other court-ordered child support related expenses.
- (3) current spousal support or alimony pendente lite.
- (4) child support arrears.

(5) spousal support or alimony pendente lite arrears.

(6) court costs.

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSPOTDY AND VISITAION OF MINOR CHILDREN

Rule 1915.3. Commencement of Action. Complaint. Order.

\* \* \* \* \*

(e) A grandparent seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5313(b) must plead, in paragraph 7 of the complaint set forth at Rule 1915.15(a), facts establishing the elements of a cause of action under §§ 5313(b)(1), (2) and (3).

Explanatory Comment—2002

In R.M. v. Baxter, 777 A.2d 446 (Pa. 2001), the Pennsylvania Supreme Court held that 23 Pa.C.S. § 5313(b) confers automatic standing on grandparents to seek physical and legal custody of a grandchild. However, establishing a cause of action under the statute requires the existence of the elements set forth at 23 Pa.C.S. §§ 5313(b)(1), (2) and (3).

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.74. Form of Motion for Appointment of Master. Order.

(a) The motion for appointment of a master shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF MASTER

\* \* \* \* \*

and in support of the motion states:

(1) Discovery (is) (is not) complete as to the claim(s) for which the appointment of a master is requested.

(2) The [ defendant ] non-moving party (has)(has not) appeared in the action (personally) (by his attorney, \_\_\_\_\_, Esquire).

\* \* \* \* \*

(Caption)

ORDER APPOINTING MASTER

AND NOW, \_\_\_\_\_, [ 19 ] 20 \_\_, \_\_\_\_\_, Esquire, is appointed master with respect to the following claims:

BY THE COURT:

MOVING PARTY Name: \_\_\_\_\_ NON-MOVING PARTY Name: \_\_\_\_\_

Attorney's Name: \_\_\_\_\_ Attorney's Name: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_ Attorney's Address: \_\_\_\_\_

Attorney's Telephone #: \_\_\_\_\_ Attorney's Telephone #: \_\_\_\_\_

MOVING PARTY Attorney's E-Mail: \_\_\_\_\_ NON-MOVING PARTY Attorney's E-Mail \_\_\_\_\_

Party's Address and Telephone # if not represented by counsel: \_\_\_\_\_ Party's Address and Telephone # if not represented by counsel: \_\_\_\_\_

Official Note: It is within the discretion of the court to determine the point at which a master should be appointed in a case. The court may appoint a master to deal with discovery issues.

[Pa.B. Doc. No. 02-2048. Filed for public inspection November 15, 2002, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Adoption of Rule 311\*(C). Notice of Filing—ARD Application; No. Misc. 797 Oct. 02

Order

And Now, this 28th day of October, 2002, the Court hereby adopts Montgomery County Local Rule of Criminal Procedure, Rule 311\*(C). Notice of Filing—ARD Application. This Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in the Legal Intelligencer. In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO, President Judge

Rule 311\*(C). Notice of Filing—ARD Application.

A request for inclusion into the ARD program shall be made to the District Attorney by the defendant or the defendant's attorney on or before the date of Arraignment at the Common Pleas level. The request shall be in the form of an application filed with the District Attorney, and a "Notice of Filing" filed with the Clerk of Courts Office. Said "Notice of Filing", including Rule 600 Waiver, shall be in the following form:

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA

:

DOCKET NO.

V.

:

For Office Use Only

NOTICE OF FILING

Accelerated Rehabilitative Disposition (ARD) Application

I, \_\_\_\_\_, the undersigned, hereby state that I have filed an Application for the Accelerated Rehabilitative Disposition Program with the District Attorney's Office, Fourth Floor, Court House, Norristown, PA.

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

Signature of Defendant / Defense Counsel

Date

RULE 600 WAIVER

I understand that under Rule 600 of the Pennsylvania Rules of Criminal Procedure my trial in Montgomery County Court must begin on or before the 180th day from the filing of the Criminal Complaint if I am incarcerated. I understand that my trial must begin on or before the 365th day from filing of the Criminal Complaint if I am not incarcerated. I further understand that the charges against me may be dismissed if my trial does not commence within the time allowed under Rule 600, and that by signing this waiver I am giving up my right to be tried within the time allowed under Rule 600. I am agreeing that my trial may begin after the Rule 600 time limit.

I have not been made any promises, nor have I been forced to sign this waiver. I read and write the English language, or this waiver has been explained to me in a language that I understand.

Check and complete as appropriate:

- ( ) I am presently on bail—the 365th day is \_\_\_\_\_, 20 \_\_\_\_ .
( ) I am presently incarcerated—the 180th day is \_\_\_\_\_, 20 \_\_\_\_ .
( ) I have reviewed this waiver with my attorney.
( ) I do not have an attorney, and I do not wish to consult with an attorney concerning this waiver.

Signature of Defendant

Date

Signature of Defense Counsel

Date

Original
Yellow Copy
Pink Copy

Clerk of Courts
District Attorney
Defendant/Defense Counsel

(Revised 9-02)

[Pa.B. Doc. No. 02-2049. Filed for public inspection November 15, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Scott Earl Walterschied having been disbarred from the practice of law in the State of New Jersey by Order dated May 9, 2002, the Supreme Court of Pennsylvania issued an Order on October 31, 2002, disbaring Scott Earl Walterschied from the Bar of this Commonwealth, effective November 30, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the Pennsylvania Bulletin.

ELAINE M. BIXLER, Executive Director and Secretary The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 02-2050. Filed for public inspection November 15, 2002, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Francis X. Gavin, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated October 31, 2002 suspending Francis X. Gavin, from the practice of law in this Commonwealth for a period of three months, effective to the suspension imposed by the PA Supreme Court on August 1, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the Pennsylvania Bulletin.

ELAINE M. BIXLER, Executive Director and Secretary The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 02-2051. Filed for public inspection November 15, 2002, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[4 PA. CODE CH. 263]

[28 PA. CODE CHS. 701 AND 715]

### Drug and Alcohol Facilities and Services

The Department of Health (Department) amends the standards for approval of narcotic treatment programs by deleting 4 Pa. Code Chapter 263 (relating to methadone), amending 28 Pa. Code Chapter 701 (relating to general provisions) and adding 28 Pa. Code Chapter 715 (relating to standards for approval of narcotic treatment programs) to read as set forth in Annex A.

#### A. Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to revise and update current narcotic treatment standards for the approval of narcotic treatment programs to conform with updated Federal regulations and requirements. The Federal regulations were revised in 1994, and again several years ago, and treatment of the narcotic addict has changed over the past 25 years. Therefore, the need exists to amend the State methadone regulations to more closely align with the Federal regulations, as well as to incorporate current treatment practices for narcotic addicts.

The Department's Division of Drug and Alcohol Program Licensure (Division) inspects narcotic treatment programs on an annual basis.

Chapter 715 replaces the deleted methadone treatment regulations in 4 Pa. Code Chapter 263. Those regulations, as applied, were not consistent with current health practices or Federal requirements. They were more burdensome than Federal regulations.

#### B. Comments

##### Chapter 701. General Provisions

##### Subchapter A. Definitions

##### Section 701.1. General definitions.

This section defines terms used in Part V (relating to drug and alcohol facilities and services).

#### Comment

The definition of the term "agent" should not contain within its parameters the term being defined, rather, the word "agent" should be replaced with a more appropriate term such as "controlled substance."

#### Response

The Department agrees. The word "agent" has been removed from the definition and replaced with the word "substance."

#### Comment

The proposed definition of "controlled substance" includes the phrase "or as added, deleted or rescheduled by regulation." This phrase renders the definition inconsistent with this statutory definition and should be removed from the definition.

#### Response

The Department agrees. The phrase "or as added, deleted or rescheduled by regulation" has been deleted.

#### Comment

The lengthy phrase "Commonwealth approved opioid pharmacotherapy agent" included in the proposed term and definition of "detoxification of a narcotic dependent person utilizing a Commonwealth approved opioid pharmacotherapy agent" should be changed to the single word "agent" which is already defined in this subchapter.

#### Response

The Department agrees. The phrase "Commonwealth approved opioid pharmacotherapy agent" has been replaced with the term "agent" to provide clarity. The Department has made this substitution throughout the final-form rulemaking.

#### Comment

According to the proposed definition of "maintenance treatment," the goal of maintenance is to achieve stabilization or prevent withdrawal symptoms for treatment of an individual with opiate dependency rather than to assist the client in permanently discontinuing the use of dependency producing substances. The Department should explain the rationale behind the change in the goal of the Commonwealth's maintenance program. Further, the proposed definition is inconsistent with the Federal regulations at 42 CFR 8.2 (relating to definitions), which provide two types of treatment: comprehensive maintenance treatment and interim maintenance treatment. The definition should be consistent with the Federal definition of "maintenance treatment."

#### Response

According to research by Alan Leshner, Ph.D., Director of the National Institute on Drug and Abuse, National Institute of Mental Health Addiction and the Brain, addiction is a disease of the brain requiring long-term maintenance for many individuals, and possibly permanent maintenance for some. In addition, the Department has decided to limit the definition as proposed to only provide for comprehensive maintenance treatment. The Department does not believe that it is in the best interest of patients to receive "interim maintenance treatment" because that would allow for medicating patients without counseling or treatment. Accordingly, the Department does not believe its definition of "maintenance treatment" is inconsistent with Federal regulations.

#### Other Changes

The Department has added a definition for the term "medication unit" since § 715.25 (relating to prohibition of medication units) prohibits the use of medication units and the term had not been defined in the proposed rulemaking. This definition is in line with the Federal definition of "medication unit."

The Department has added the words "narcotic treatment" before the words "physician" and "program" for clarity and consistency throughout the regulations. The Department has also added a definition for "psychotherapy" since that term has been added in § 715.19 (relating to psychotherapy services). The Department has also deleted the definition of and reference to "Federal Food and Drug Administration (FDA)" and added a definition for the "Center For Substance Abuse Treatment

(CSAT)” since the functions previously performed by the FDA are now performed by CSAT.

*Chapter 715. Standards for Approval of Narcotic Treatment Program*

*Section 715.1. General provisions.*

This section requires approval from the Department to operate a narcotic treatment program and approval is contingent upon compliance with all applicable State and Federal laws and regulations. The Department received no comment on this section. It made a minor revision to clarify that the section relates to narcotic treatment programs.

*Section 715.2. Relationship of Federal and State regulations.*

This section provides that a narcotic treatment program must comply with Federal regulations and requirements governing the administration, dispensing and storage of agents.

*Comment*

Subsection (b) of the proposed rulemaking should be amended to delete the last sentence. If the Department is or becomes aware of conflicts with Federal requirement, the Department should amend its regulations to address the conflicts rather than state, “when there is a conflict between this chapter and the Federal regulations, the stricter standard shall apply.” Also, the term “complement” in subsection (b) should be replaced with “supplement” or “supersede” to provide clarity as to what the Department is intending to convey by the phrase “this chapter is intended to complement the Federal regulations. . . .”

*Response*

The Department agrees. The phrase “when there is a conflict between this chapter and the Federal regulation, the stricter standard shall apply” has been deleted from subsection (b) of the regulation. The word “supplement” in subsection (b) has replaced the word “complement.”

*Section 715.3. Approval of narcotic treatment programs.*

This section sets forth the process by which a narcotic treatment program shall obtain and maintain licensure and approval for operation within this Commonwealth.

*Comment*

The Department should define and explain its intent in using the term “designee” in the phrase “an entity shall apply for and receive approval as required by the Department, the Drug Enforcement Agency (DEA) and the Food and Drug Administration (FDA) or designee” in subsection (a). It is not clear from the regulation who a “designee” may be under the proposed rulemaking.

*Response*

The Department agrees. The term “designee” has been replaced by the phrase “an organization designated by the Substance Abuse and Mental Health Services Administration under the authority of 21 U.S.C.A. § 823; 42 U.S.C.A. §§ 257a, 290aa(d), 290dd-2, 300x-23, 300x-27(a) and 300y-11.”

*Comment*

Proposed subsection (d) provides that the Department may inspect the narcotic treatment program without notice whereas the existing regulation at 4 Pa. Code § 263.3(e) states that “inspections will occur without notice to the methadone project.” The Department should explain the rationale behind removing mandatory no-

notice inspections from the regulation. Subsection (d) does not articulate what standards will be used by the Department to determine which narcotic treatment programs will be inspected without notice and with notice.

*Response*

The Department has not revised the proposed rulemaking. The section provides that inspections may occur without notice to the narcotic treatment program and shall occur during any regular business hours of the narcotic treatment program. The general standards for all drug and alcohol treatment facilities is that notice is provided for annual renewal inspections. The Department is being consistent in this section. The Department may still conduct inspections without notice when it investigates complaints or conducts a plan of correction follow-up, for example.

*Comment*

The phrase “within the provisions of State and Federal confidentiality regulations” contained in subsection (e) of the proposed rulemaking is a vague reference which does not afford notice of the specific requirements which must be satisfied under State and Federal regulations.

*Response*

The Department agrees. The specific citations 42 CFR Part 2.53 (relating to audit and evaluation activities) and 28 Pa. Code §§ 709.15 and 711.15 (both relating to right to enter and inspect) are referenced in subsection (e).

*Comment*

Proposed subsection (g) removes the 60-day time limit for programs to correct deficiencies. The Department should explain its rationale and the benefits to be derived from the removal of the maximum time limit.

*Response*

The Department does not wish to be bound by a specific time frame, rather, it wishes to examine each case on a deficiency-by-deficiency basis. Adopting the language of subsection (g)(2) permits flexibility in the time in which deficiencies must be corrected. Also, the word “conditional” has been removed. There is no provision for, or definition of, “conditional” approval. The Department will either approve or not approve under this section.

*Comment*

Proposed subsection (h)(2) is not clear as to when the Department would require the submittal of plans of correction: within 15 working days after onsite inspection or within 15 working days after the program receives the results of the onsite inspection. Also, the exact meaning of “working days” is unclear in the proposed rulemaking.

*Response*

The Department agrees and has changed the regulation. Results of site inspections are distributed to a program on the last day of the inspection. The narcotic treatment program will have 21 days from the last day of the site inspection to submit its plan of correction to the Department.

*Other Changes*

The Department has added a reference to 28 Pa. Code Chapter 705 (relating to physical plant standards) in subsection (b). Chapter 705 became effective on March 2, 2002, and also applies to narcotic treatment programs.

*Section 715.4. Denial, revocation or suspension of approval.*

This section outlines when approval will be denied, revoked or suspended due to noncompliance by an applicant or a program.

*Comment*

Proposed subsection (a) does not allow any opportunity for providers to appeal issues related to noncompliance, expansion or capacity. The proposed rulemaking only addresses denial or revocation of approval. The Department should preserve an option for approval comparable to that in the existing standard. Also, providers should have the opportunity to appeal to another entity rather than resubmitting their appeal to the same entity that initially gave a negative response.

*Response*

The Department has not changed the section in response to this comment. An appeal mechanism currently exists for narcotic treatment programs to appeal overall Department approval decisions. See § 715.3 (relating to approval of narcotic treatment programs). A formal appeal process on issues relating to matters of noncompliance where the Department requests a plan of correction is inappropriate because a request for a plan of correction is not a final agency decision. If a program does not comply with a request for a plan of correction, the Department will take administrative action. If that administrative action is adverse to the facility, it may appeal from that decision.

*Section 715.5. Patient capacity.*

This section sets out the criteria to be used by the Department in reviewing a request by a program for an increase in patient capacity.

*Comment*

The phrase “may limit” in the first sentence is too broad. The Department should clarify whether it intends to use this section for another purpose such as lowering the permitted patient capacity of the program and, if so, amend the first sentence accordingly. The Department should also examine whether this section can supercede the staffing ratios in proposed § 715.7 (relating to dispensing or administering staffing). This section would require written approval of the Department to be “based upon periodic monitoring and review.” It is unclear as to the exact time frame intended by the term “periodic.” Lastly, criteria for the evaluation of the factors in proposed paragraphs (1)—(4) should be established.

*Response*

The Department agrees with these recommendations. The phrase “may limit” in the first sentence of this section has been replaced with the phrase “may increase or decrease.” This section does not supersede § 715.7. The Department would not approve an increase in capacity that would conflict with the required ratios.

The following criteria will be used by the Department in evaluating the factors in paragraphs (1)—(5): (1) Safety—considerations include dispensing time, internal patient flow and external traffic patterns; (2) Physical facility—considerations include number and size of counseling office, waiting area, restrooms, and dispensing and nursing windows; (3) Staff size and composition—considerations include the number of physician, dispensing and counseling staff; (4) Ability to provide required services—considerations include compliance with licensing and narcotic treatment program regulations as deter-

mined during licensing, monitoring and special visits to the program; and (5) Availability and accessibility of service—considerations include the location of the narcotic treatment program and the hours of operation. These criteria are reflected in the final amendments.

*Section 715.6. Physician staffing.*

This section establishes the staffing ratios and requirements for narcotic treatment physicians providing treatment to patients in methadone treatment programs.

*Comment*

Proposed subsection (a)(2) provides that “the interim medical director shall meet the qualifications within 24 months of being hired.” The 24-month time limit is unreasonable and should be amended. Examinations by the American Society of Addiction Medicine are held roughly every 2 years. To sit for an exam, a physician must document 1-year full time equivalent (FTE) experience in addiction medicine. Further, for many narcotic treatment programs, physicians are recruited from the community. They may not have sufficient time dedicated in a field to be able to comply with this regulation and sit for the exam within 24 months after being hired. A training program documenting specific education in addiction and narcotic treatment should suffice to guarantee that the narcotic treatment program has a current and up-to-date practitioner.

*Response*

The Department accepts this recommendation in part. The Department has changed the 24-month time limit to a more reasonable 36-month time period for the narcotic treatment program physician to meet all the qualification requirements contained in the regulation. However, the Department will not accept training in lieu of compliance with the regulations.

*Comment*

Proposed subsection (a)(3)(i) requires a medical director to supervise “program physicians.” Proposed subsection (b) states that programs may employ “narcotic treatment physicians to assist the medical director.” The section is unclear as to whether the two positions are interchangeable or serve separate functions. The Department should use either of the terms consistently throughout the regulations and amend the definitions in § 701.1 (relating to general definitions) accordingly.

*Response*

The Department agrees that the use of “physicians” and “narcotic treatment physician” in proposed subsection (a)(3)(i) and (b) was unclear and inconsistent. Additionally, there were many other places in the proposed regulations where there was inconsistent use of these terms. The Department now uses the term “narcotic treatment physician” consistently throughout the regulations. Also, there was inconsistent use of the terms “narcotic treatment program,” “treatment program” and “program.” The term “narcotic treatment program” is now used consistently throughout.

*Comments*

Proposed subsections (d) and (e) contain the staffing ratios for physicians and other licensed and certified health care professionals providing treatment to patients in narcotic treatment programs. The 1:10 physician-hour per week per patient ratio in subsection (d) is excessive, unnecessary, costly and unreasonable. The economics of narcotics addiction treatment for smaller clinics simply does not allow for a large and unnecessary allocation to

physician services. Further, other states impose no physician-patient requirements on narcotic treatment programs. The Department should consider amending the ratio to a maximum of 1:25 or a minimum of 1:15. If the Department elects not to amend its ratios, at a minimum, the Department should explain how the ratios were developed and whether each ratio is the most reasonable and appropriate to protect public health, safety and welfare.

The staffing ratios in proposed subsection (e) would require that "one-third of all required physician time shall be provided by a physician" and "time provided by other licensed certified health care professionals may not exceed two-thirds of the required physician time." The proposed rulemaking would exceed the regulations of advance practice nurses and physician assistants. The Department should explain how the ratios were developed and whether each ratio is the most reasonable and appropriate ratio for the protection of public health, safety and welfare.

#### *Response*

The Department has developed the ratios in subsections (d) and (e) through extensive research. The Department recognizes that physician time is costly but finds the arguments for maintaining the current ratio persuasive. Accordingly, it prefers to maintain the requirement of 1 hour per week of onsite physician time for every ten patients, as proposed. This guideline for physician coverage was established by the Federal government in 1990. Methadone treatment is a medically directed service. Many patients who are currently enrolled in narcotic treatment programs exhibit complex and multiple medical disorders, both physically and emotionally. Patients are concurrently taking medication for TB, HIV, hepatitis B and hepatitis C, all of which interact with methadone and require ongoing physician monitoring. Further, the nature of methadone treatment requires physician presence for supervision of patient care to maintain the credibility of methadone treatment in the medical and clinical community.

In response to cost concerns, the Department has reduced physician involvement by permitting the use of physician assistants and certified registered nurse practitioners in the ratio. Only 1/3 of the time must be physician time. In response to the comment that other states impose no physician-patient ratios, the Department agrees that it is true that some states impose no requirements. However, several states do require physician hours and several other states are considering re-adoption of the requirements for physician hours due to problems experienced as a result of insufficient physician coverage. The Department is allowing for up to 2/3 of physician time to be met through the use of physician assistants or certified registered nurse practitioners. Accordingly, the Department has not changed the section.

#### *Comment*

Proposed subsection (f), which provides that "two hours of physician assistant or certified registered nurse practitioner time shall be equivalent to one hour of physician time," is both unnecessary and restrictive. One hour of service from these licensed health care providers should be fully considered as it is in physician offices, emergency rooms and other medical facilities. The Department should explain how the ratios were developed and whether each ratio is the most reasonable and appropriate to protect public health, safety and welfare.

#### *Response*

The Department has reconsidered this requirement and agrees. The revisions in subsection (e) render subsection (f) unnecessary and it has been deleted.

#### *Section 715.7. Dispensing or administering staffing.*

This section provides the requirements of both automatic dispensing systems and manual dispensing systems.

#### *Comment*

The requirement of one full-time licensed nurse or other person authorized to dispense controlled substances for every 200 patients for automated dispensing systems in proposed subsection (a)(1) should be increased to 300 patients because lesser ratios do not result in full utilization of staff and are a waste of resources.

#### *Response*

The Department proposed the 1,200 ratio based on findings from onsite inspections. The Department found that 90% of all the facilities within this Commonwealth utilize an automated dispensing system. Automated dispensing systems provide efficiency in dispensing controlled substances and the Department believes that the dispensing or administering staff ratio of 1 to every 200 patients is essential to meet the need of the patients. The Department has not revised the proposed regulation in response to this comment.

#### *Comment*

Proposed subsection (a)(2), requiring a 1 to 100 ratio for manual dispensing systems, does not result in full utilization of staff, and would be a waste of resources. The ratio for dispensing or administering staff in a manual dispensing system should be increased to 1 to 150 patients.

#### *Response*

The Department agrees with the recommendation. The ratio has been amended to provide for one full-time nurse or other person authorized to administer or dispense a controlled substance for every 150 patients in a manual or nonautomated dispensing system.

#### *Comment*

The phrase "timely and orderly manner" contained in proposed subsection (b) is vague. The Department should amend the regulation to provide clarity on what constitutes a timely and orderly manner for the dispensing of medication.

#### *Response*

The Department agrees that the phrase "timely and orderly manner" is vague. The Department has revised the entire provision to state: "Dispensing time shall be prorated for patient census. There shall be sufficient dispensing staff to ensure that all patients are medicated within fifteen minutes of arrival at the dispensing area." The original rationale for including the phrase "timely and orderly manner" was to provide for the safety of patients during the dispensing process and has been moved to § 715.17 (relating to medication control).

#### *Section 715.8. Psychosocial staffing.*

This section requires narcotic treatment programs to comply with staffing ratios in Chapter 704 (relating to staffing requirements for drug and alcohol treatment activities).

*Comment*

This proposed section simply references the staffing ratios in Chapter 704, but does not specify which ratios are applicable to psychosocial staffing, the counselor or primary care staff ratios. The Department should reference the specific staffing ratio that applies to psychosocial staffing.

*Response*

The Department agrees. The Department has revised this section to incorporate the staffing ratios from § 704.12 (relating to full-time equivalent (FTE) maximum client/staff and client/counselor ratios). In subsection (a), narcotic treatment programs are required to comply with the client/staff and client/counselor ratios in paragraphs (1)—(6) during primary care hours. These ratios refer to the total number of clients being treated, including clients with diagnoses other than drug and alcohol addiction served in other facets of the project. Family units may be counted as one client. For inpatient nonhospital detoxification (residential detoxification), one FTE primary care staff person is required for every seven clients during primary care hours and a physician is to be on-call at all times. For inpatient hospital detoxification, one FTE primary care staff person is required for every five clients during primary care hours. For inpatient nonhospital treatment and rehabilitation (residential treatment and rehabilitation), serving adult clients, one FTE counselor is required for every eight clients. In projects for adolescent clients, one FTE counselor is required for every six clients. For inpatient hospital treatment and rehabilitation (general, psychiatric or specialty hospital) serving adult clients, one FTE counselor is required for every five clients. For partial hospitalization, one FTE counselor is required for every ten clients. For outpatients, FTE counselor caseload for counseling in outpatient narcotic treatment programs may not exceed 35 active clients. In subsection (b) (regarding counselor assistants), counselor assistants may be included in determining FTE ratios when the counselor assistant is eligible for a caseload.

*Section 715.9. Intake.*

This section requires screening of narcotic treatment program applicants prior to admission.

*Comment*

Under proposed subsection (a)(1), a program is required to “verify that the individual has reached the age of majority.” To avoid confusion, the Department should replace “age of majority” with the more specific “age of 18.”

*Response*

The Department notes that in this Commonwealth, for most purposes, the age of majority is 21. In this case, however, the Department adopts the recommendation and replaces “the age of majority” with the phrase “the age of 18.”

*Comment*

Proposed subsection (a)(4) should be clarified. The subsection states that before a narcotic treatment physician prescribes methadone there must be “a determination by the physician that the individual is currently physiologically dependent.” The most appropriate care and diagnosis is achieved through an initial face-to-face determination between a physician and patient; however, “determination” is not clearly defined. A third party consultation between a physician assistant, nurse practi-

tioner or other health care person and the physician without the physician ever physically seeing the patient could be construed as sufficient for “determination” of dependency. The term “determination” should be further clarified to ensure correct diagnosis and appropriate care.

*Response*

The Department agrees. Proposed subsection (a)(4) has been revised to require that a narcotic treatment physician make a face-to-face determination of whether an individual is currently physiologically dependent upon a narcotic drug and has been physiologically dependent for at least 1 year prior to admission for maintenance treatment.

*Comment*

The proposed language of subsection (b)(3) does not satisfactorily address readmission of persons formerly in treatment. Regardless of voluntary versus involuntary detoxification or number of years out of treatment, readmission should be left entirely to the discretion of the narcotic treatment program as long as current dependence is demonstrated.

*Response*

The Department agrees in part with the recommendation regarding voluntary versus involuntary detoxification, specifically that consideration be given to any person who has been detoxified, whether voluntarily or involuntarily. The distinction is eliminated. Patients who have been either voluntarily or involuntarily detoxified from comprehensive maintenance treatment may be readmitted to maintenance treatment, without evidence to support findings of current physiologic dependence, up to 2 years after discharge. Readmission is conditioned upon the program being able to document prior narcotic drug comprehensive maintenance treatment of 6 months or more, and the admitting program physician, exercising reasonable clinical judgment, finding readmission to comprehensive maintenance treatment to be medically justified.

*Section 715.10. Pregnant patients.*

This section establishes requirements for the admission and treatment of pregnant patients. This section is included because of the increasing rate of heroin addiction among pregnant women.

*Comment*

This proposed section does not reference the Federal regulation, which states that a pregnant woman is to be informed of the risks of continued illicit drug use to her and her unborn child. The Department should cross reference 21 CFR 291.505(d)(1)(iii)(B)(5) (relating to pregnant patients).

*Response*

The Department has added § 715.10(f) (relating to pregnant patients) to address this comment.

*Other Changes*

Subsection (e) has been removed. It merely stated the general standard of practice in treatment and it is not necessary to state it as part of the regulation here.

*Section 715.11. Confidentiality of patient records.*

This section reiterates that narcotic treatment programs shall comply with Federal and State confidentiality requirements regarding patient records.

*Comments*

The phrase “within the provisions of State and Federal confidentiality regulations” contained in this section of the proposed regulation is a vague reference which does not afford notice of the specific requirements which must be satisfied under State and Federal regulations.

*Response*

The Department agrees. The specific citations 42 CFR 2.22 (relating to notice to patients of Federal confidentiality requirements) and § 709.28 (relating to confidentiality) are referenced in the final-form rulemaking.

*Section 715.12. Informed patient consent.*

This section requires the program to secure an informed, voluntary consent from the patient prior to the administering of an agent for detoxification or maintenance treatment.

*Comment*

This proposed section requires that a narcotic treatment program obtain an “informed, voluntary consent” before an agent can be administered to a patient. The proposed rulemaking does not clearly state the specific information that the narcotic treatment program must provide to the patient and whether the consent must be written.

*Response*

The Department has amended the regulation to require a written consent and to require a list of specific items that must appear in writing on the consent. The following information must be included in the consent: (1) that methadone and LAAM are narcotic drugs which can be harmful if taken without medical supervision; (2) that methadone and LAAM are addictive medications and may, like other drugs used in medical practices, produce adverse results; (3) that alternative methods of treatment exist; (4) that the possible risks and complications of treatment have been explained to the patient; and (5) that methadone is transmitted to the unborn child and will cause physical dependence.

*Section 715.13. Patient identification.*

This section requires a narcotic treatment program to develop a system for patient identification to ensure that the drug is being administered to the appropriate patient and for security and patient care reasons.

*Comment*

In proposed subsection (a), the term “develop” should be replaced with the term “use.”

*Response*

The Department agrees and has substituted the term “use” in place of “develop.”

*Section 715.14. Urine testing.*

This section updates the urine testing procedures to conform with Federal standards and current practices. It requires testing for certain specific substances.

*Comment*

Neither this proposed section, nor proposed § 715.21 (relating to patient termination), identify the consequence of failing a urine test for a patient in the narcotic treatment program. The Department should explain the consequences when a patient’s urine test detects and continues to detect any of the drugs in proposed subsection (a) of this section.

*Response*

The Department believes that if a patient’s urine test detects and continues to detect any of the drugs identified in subsection (a), it would indicate the need for an intervention from the facility that could include an increase in dose, an increase in counseling services offered, a change in type of counseling services offered or eventual discharge from the program. Accordingly, it is not appropriate for the Department to regulate consequences. The testing must be performed. What the facility does with the results will vary on a case by case basis, according to each individuals treatment needs and in conjunction with facility policy. The Department has made no change to the section based on this comment.

*Comment*

Proposed subsection (a) reduces the testing requirement to monthly for all tested substances. The existing regulation requires weekly urine testing for opiates and synthetic narcotics and monthly testing for other controlled substances. Urine testing for the first 2 years of narcotic addiction treatment should be conducted at a minimum of once per week because these patients need to be monitored more closely for relapse. The current requirement of weekly urine testing should be retained for more stable patients. The Department should explain its rationale behind requiring only monthly testing for all patients.

*Response*

The Department does not believe that requiring weekly urinalysis is appropriate for the patients that are treated in narcotic treatment programs. The testing is very costly, and is unnecessary for every patient. Further, facilities can require weekly testing for specific clients, if necessary.

*Comment*

Proposed subsection (b) requires the program “to ensure that urine collected from patients is unadulterated” and “that a random observation . . . be conducted professionally, ethically and in a manner that protects patient privacy.” The proposed language does not specify whether the observer is required to be a licensed health care professional. Also, the proposed language does not specify the methods to be used to ensure the sample is unadulterated and that the observation be conducted in a manner that protects patient privacy.

*Response*

The Department has not changed the proposed regulation. The Department is not requiring the observer of the urinalysis testing to be a licensed health care professional. The Department is requiring that the program establish procedures to ensure that the urine sample is unadulterated and the investigation is conducted in a manner which respects patient privacy. These procedures are left to the discretion of the program.

*Comment*

Proposed subsection (c) requires a narcotic treatment program to implement policies and procedures addressing the chain of custody of a urine specimen to ensure that the specimen can be traced to the donor. “Chain of custody” is different from ordinary procedures to safeguard identifications of urine screens. It implies a specific set of procedures intended to meet forensic standards. This requirement is unnecessary, expensive and unduly burdensome. Implementing “chain of custody” procedures would increase testing costs by about 400% (or \$25,000 per year). The Department should explain the need for a

chain of custody and how the benefits outweigh the costs. Additionally, the Department should consider replacing the phrase "traced to the person whom it belongs" with the phrase "traced to the donor."

*Response*

The Department agrees with the recommendations and adopts the following revision: "A narcotic treatment program shall develop and implement policies and procedures to minimize misidentifications of urine specimens and to ensure that the tested specimens can be traced to the donor."

*Section 715.15. Medication dosage.*

This section requires narcotic treatment programs to meet various Federal standards relating to narcotic treatment medication dosage.

*Comment*

The phrase "a narcotic treatment program may not administer an agent" in proposed subsections (a), (e) and (f) is inconsistent with the language of proposed subsection (c), which allows methadone to be "administered or dispensed." For clarity, the Department should add the term "dispense" to proposed subsections (a), (e) and (f). Also, the wording of the language of proposed subsection (c) which states "although tablets, syrup concentrate or other formulations may be distributed by the program, all oral medication is required to be administered or dispensed in liquid form" is not grammatically correct. An appropriate construct of the phrase would state "or other formulations may be distributed to the program . . ." The program receives the medications and then dispenses them to its patients. Further, the language "tablets, syrup concentrate or" should be omitted from the regulation if narcotic treatment programs do not dispense there formulations.

*Response*

The Department accepts this recommendation in part. The Department has added the term "dispense" to the phrase "administer or dispense" in subsections (a) and (e), to provide consistency throughout the section. In concert with Federal regulations, the Department will substitute the following language for proposed subsection (c): "Methadone shall be administered or dispensed only in oral form and shall be formulated in such a way as to reduce its potential for parenteral abuse." Subsection (f) has been combined with subsection (e) and modified to be consistent with subsection (c). In addition, subsection (a) was rewritten for clarification.

*Section 715.16. Take-home privileges.*

This section establishes eligibility requirements for patients who may take medication out of the facility and self-administer outside the supervision of the program.

*Comment*

The current standard for giving patients take-home privileges does not respond to trends toward "medical maintenance." Programs should respond to the changes by permitting "senior patients," those patients who have substantial "clean time" with 5 or more years in treatment, to remain in programs and be able to receive up to a 30-day supply of medication. The proposed regulations seem to grant an exception for these patients, permitting them to attend a clinic twice a month where they receive a 2-week supply of medication. There is no clear procedure for how the requests for exception in this section will be approved and by whom. Also, the language of subsection (a) includes a sentence which states: "The physician

shall make this determination after consultation with appropriate staff." It is unclear who are "appropriate staff within the program" with whom the physician must consult. The Department should expand the regulation to specifically state who are "appropriate staff."

*Response*

The Department agrees in part. The Department agrees that the phrase "appropriate staff" needs clarity. Therefore, the Department has revised proposed subsection (a) to state that "the narcotic treatment physician shall make this determination after a consultations with staff involved in the patient's care." Medical maintenance as a treatment modality has not been tested effectively, and thus far has only been approved under Federal research pilot studies. The Department, therefore, declines to include medical maintenance in its regulation. The Department wishes to ensure that all take home methadone medication is utilized responsibly with minimal opportunities for diversion. The Department will continue to examine take-home privileges for longer than 6 days on a request for exception basis. Patient specific exceptions may be requested under § 715.29 (relating to exceptions).

*Comment*

The phrase "exceptional circumstance" in proposed subsection (d)(3) should be amended to make specific reference to the fact that "travel" is considered to be an "exceptional circumstance" under this regulation.

*Response*

The Department agrees that the phrase "exceptional circumstance" needs refinement. It has revised the regulation to provide that a patient has an exceptional circumstance if the patient confronts circumstances such as illness, personal or family crisis or travel that interfere with the ability to conform to the applicable mandatory attendance schedules.

*Section 715.17. Medication control.*

This section provides that programs develop and implement policies and procedures relating to pharmaceutical services, verbal medication orders and medications.

*Comment*

Proposed subsection (c)(1)(iii) permits only patients to be present in the dispensing area. If the intent of this regulation is to restrict persons other than employees of the narcotic treatment programs and patients from entering the dispensing area, the subsection should be clarified to reflect that authorized employees are also permitted to enter into the dispensing area.

*Response*

The Department agrees. The Department's intent is to have subsection (c)(1)(iii) restrict the dispensing area to only patients and authorized staff. Therefore, the Department has revised the subsection to state "only authorized staff and patients who are receiving medication shall be permitted in the dispensing area."

*Comment*

Proposed subsection (c)(2) states "a narcotic treatment program shall develop and implement written policies and procedures regarding where and how medications are stored . . . . Agents shall be stored in a locked safe that has been approved by the DEA." However, § 715.26 (relating to security) requires that "a narcotic treatment program shall meet the security standards for the distribution and storage of controlled substances as required by Federal and State statutes and regulations." There is a

lack of clarity and consistency throughout the regulation on the requirements for storage areas, specifically, in the storage of a small amount of an agent in a secure area. For clarity, the Department should consider incorporating by reference 21 CFR 1301.72 and 1301.74 (relating physical security controls; and other security controls) in both this section and § 715.26.

*Response*

The Department agrees that its regulation should be consistent with Federal regulation requirements for storage and security of controlled substances. Accordingly, the Department has specifically referred to 21 CFR 1301.72 and 1301.74 in subsection (c)(2) and in § 715.26.

*Comment*

The phrase “adequately documented” in proposed subsection (c)(3)(iv) is unclear. The Department should clarify this phrase.

*Response*

The Department adopts this recommendation. It has deleted the term “adequately” from the regulation, leaving only the requirement of documentation.

*Other Changes*

Subsection (a) was revised by deleting the phrase “which provide pharmaceutical services.” This phrase added nothing to this subsection since compliance is required by all narcotic treatment programs. Subsection (c)(1)(vi) has been added to assist in controlling the administering and dispensing of medication.

In addition, various nonsubstantive changes were made for clarification.

*Section 715.18. Rehabilitation services.*

This section revises the requirements for rehabilitative services to accurately reflect current practices of narcotic treatment programs.

*Comment*

This proposed section requires a narcotic treatment program to provide a full range of rehabilitative services, including legal services, employment services, HIV education services, public health services, adult educational services and behavioral health services. The Federal regulations, specifically 21 CFR 291.505(d)(4)(i)(C), require that each narcotic treatment program provide “medical and rehabilitative services and programs” and “counseling on HIV disease.” However, 21 CFR 291.505(d)(4)(iv) requires narcotic treatment programs to “provide opportunities” for vocational rehabilitation, education and employment. For consistency with Federal regulations, the Department should state that, while programs are required to provide HIV services and public health services, a program shall also provide opportunities for patients to access legal services, employment services, adult educational services and behavioral health services.

*Response*

The Department agrees and adopts the recommendation which makes the regulation more consistent with Federal regulations.

*Section 715.19. Psychotherapy services.*

This section establishes the requirements for psychotherapy services to be provided to patients.

*Comment*

The counselor staffing ratios defined in the proposed rulemaking need to be refined. There is a demand for a

different treatment approach for long-term rehabilitated patients which facilitates deviations from the current client-ratio requirements, required physician hours and rehabilitative and psychotherapy services. To mandate these services would cause unnecessary hardship, time and money on the part of both the client and provider. The Department should amend the regulation to adopt a standard more suitable to meet the needs of the patient at each level of the narcotic treatment program.

*Response*

The Department agrees in part. Proposed paragraph (1) has been amended to include a requirement that additional psychotherapy shall be provided as dictated by the ongoing assessment of the patient. Proposed paragraph (2) has been revised to require a narcotic treatment program to provide each patient at least 1 hour per month of group or individual psychotherapy during the third and fourth year of treatment. Additional psychotherapy shall also be provided as dictated by the ongoing assessment of the patient. Proposed paragraph (3) has been deleted in its entirety. The Department has substituted the following language:

After 4 years of treatment, a narcotic treatment program shall provide each patient with at least 1 hour of group or individual psychotherapy every 2 months. Additional psychotherapy shall be provided as dictated by ongoing assessment of the patient.

*Section 715.20. Patient transfers.*

This section requires each narcotic treatment program to develop policies regarding the transfer of patients to another narcotic treatment program or another treatment environment upon the request of the patient.

*Comment*

This proposed section requires each narcotic treatment program to develop policies and procedures for transferring patients from one treatment program to another, but makes no mention of whether patient records are to be kept confidential in the event of transfer. Proposed § 715.11 (relating to confidentiality of patient records) sets forth the importance of the confidentiality of patients records in complying with Federal and State statutes and regulations. The Department should consider cross-referencing § 715.11 in this section to impress upon narcotic treatment programs that patient records will continue to be confidential even if the patient is transferred to another narcotic treatment program.

*Response*

The Department agrees. The Department has incorporated § 715.11 in this section.

*Comment*

The 7-day time frame proposed in this section for a narcotic treatment program to transfer patients upon request is without adequate support. The Department should explain how the 7-day time frame was derived, why the time period is necessary and whether the “request” must be submitted by a patient in writing to the narcotic treatment program.

*Response*

The Department has elected to impose 7-day time period in which a narcotic treatment program must transfer a patient upon request because some programs may wish to retain patients when it would not be appropriate to do so for a variety of reasons. Imposing this specific time requirement will provide efficiency in the transfer because it is a suitable time period for the

program to prepare the appropriate paperwork for transfer. Additionally, the Department does not require a patient to submit a request for transfer in writing because it would likely result in undue delays in the transfer process. The Department has not changed the section in response to the comment.

*Section 715.21. Patient termination.*

This section states that narcotic treatment programs must establish policies regarding termination of clients from the program.

*Comment*

Proposed paragraph (1) defines in what instances a narcotic treatment program may involuntarily terminate a patient from the program. That list does not include involuntary termination due to nonpayment. "Nonpayment of fees" should be specifically included as a justification for termination. Providers work hard to assist patients to access available funding to support their services and to assist patients, as part of rehabilitation, to work to support themselves. Narcotic treatment programs would not be able to remain in business if they were not able to require payment from those deemed liable for their services.

*Response*

The Department has not added nonpayment to the list of causes for involuntary termination. The Department believes that the medication these patients are receiving is a life-sustaining medication, as determined by the Department of Public Welfare, and termination because of inability to pay may be detrimental to the health and well being of the patient. Further, a program may conduct a financial intake assessment prior to admission to verify that each individual has the means to pay.

*Comment*

Proposed paragraph (1)(iii) includes the phrase "excessively absent." This phrase is unclear. The Department should include in this paragraph the standards for determining when absences become excessive.

*Response*

The Department agrees and has changed the regulation. Paragraph (1)(iii) has been revised to include absences of 3 consecutive days or longer without cause as a cause for termination.

*Section 715.22. Patient grievance procedures.*

This section establishes the procedures for reviewing and resolving patient grievances.

*Comment*

Proposed subsection (a) requires a narcotic treatment program to develop and utilize a patient grievance procedure. Proposed subsection (b) states "if the grievance is filed against the program director, the review of the case shall be conducted by the governing body." The arrangement may not be in the best interests of the patient. A multi-representative group of the narcotic treatment program may be better suited to render judgment in these cases. The Department should consider allowing grievances against the program director to be heard by either a multi-representative group or a subcommittee of the governing body instituted for the express purposes of grievance adjudication. Additionally, it is unclear whether grievances can be appealed directly to the Department.

*Response*

The Department accepts this recommendation in part. The Department has revised subsection (b) to permit grievances against the program director to be heard by either a multi-representative group or a subcommittee of the governing body instituted for the express purposes of grievance adjudication. The Department does not wish for grievances to be appealed directly to the Department. Permitting this would add another adjudicative layer and the Department already has a complaint process in existence as a recourse for patient grievances.

Subsection (c) has been revised for clarification.

*Section 715.23. Patient records.*

This section sets out the time period which records must be kept after a patient leaves the program.

*Comment*

This proposed section contains the phrase "within the provisions of State and Federal confidentiality regulations." This section should provide citations to the specific section of the confidentiality requirements. Further, the Department should consider incorporating a provision by which a patient can authorize a provider to disclose any confidential information as the patient deems in the patient's interest.

*Response*

The Department agrees in part with this recommendation. The Department has provided citations to 42 CFR 2.16 (relating to security for written records) and 42 CFR 2.22 to avoid confusion and ambiguity in the interpretation of the regulation. State law does not permit incorporation of a provision permitting a patient to authorize the patient's provider to disclose confidential information as the patient deems in the patient's interest.

*Comment*

Proposed subsection (b)(15) provides for "psychiatric, psychological or psychosocial evaluations of the patient." The drafting of the language of this subsection implies that psychiatric and psychological evaluations can replace the psychosocial evaluation requirement. This provision should be redrafted to include psychosocial evaluations as a separate and distinct requirement of this subsection.

*Response*

The Department agrees. Subsection (b)(15) has been revised to allow for psychosocial evaluations as a separate requirement. The Department has added a new subsection (b)(16) which will provide for any psychiatric, psychological or other evaluations if available.

*Comment*

Proposed subsection (e) requires all patient records, information and documentation to be "maintained on standardized forms." It is unclear from the language of this subsection whether the Department will develop and distribute these forms and whether the Department will permit patient records to be maintained electronically.

*Response*

The Department does not develop or provide forms to be used for patient records and information. The narcotic treatment programs will develop and utilize these forms. In keeping with current trends in technology, the Department will permit patient records to be maintained electronically.

*Section 715.24. Narcotic detoxification.*

This section requires that minimum procedures for detoxification be developed and implemented by narcotic treatment programs.

*Comment*

Proposed paragraph (4)(i) requires that take home medication not be dispensed during a 30-day detoxification treatment. Also, narcotic treatment programs are required to observe the patient ingesting the medication 7 days per week. It is suggested that the 7-day-per-week clause be changed to the phrase "daily" to accommodate for a 6 day opening week.

*Response*

It is medically necessary during the detoxification phase of narcotic treatment programs to observe patients ingesting their medication 7 days per week. The Department has not changed the regulation.

*Section 715.25. Prohibition of medication units.*

This section prohibits medication units from operating in this Commonwealth.

*Comment*

Because the number of narcotic treatment programs is so few, it is difficult for patients to continue treatment at the program, as well as employment. The Department should explain the rationale behind prohibiting medication units within the Commonwealth. Also, the exact meaning of the term "medication unit" is unclear. In the interest of clarity, the Department should cite the specific Federal regulation which defines medication units.

*Response*

The Department prohibits medication units within this Commonwealth because these sites can be hundreds of miles from the main narcotic treatment program facility site. Further, only medication is dispensed at these sites. There is no counseling, no support services and no supervision at these medication units. Dispensing medication without clinical or support services is not in the best interests of patients. The Department has not changed the regulation in response to this comment. The Department does agree, however, that the definition of "medication units" should be included in § 701.1. That definition reads as follows:

*Medication unit*—A facility established as part of, but geographically separate from, the narcotic treatment program site, from which a retail pharmacist or a practitioner, who is licensed under state law and registered under federal law to administer or dispense a narcotic drug, may dispense or administer a narcotic drug or collect samples for drug testing or analysis for narcotic drugs.

*Section 715.26. Security.*

This section establishes the requirements for security in narcotic treatment programs and the requirements of narcotic treatment programs to address community concerns.

*Comment*

The proposed rulemaking refers to Federal and State statutes and regulations. This phrase needs to be clarified to reference specific citations to the requirements.

*Response*

The Department agrees. The Department has provided a citation to 21 CFR 1301.72 and 1301.74. This addition should remove confusion and ambiguity in the interpretation of the regulation.

*Section 715.27. Readmission.*

The Department received no comments on this section, however, it has been revised for clarity.

*Section 715.28. Unusual incidents.*

This section requires a narcotic treatment program to develop a procedure to document and respond to unusual incidents.

*Comment*

Proposed subsection (c) requires a narcotic treatment program to file "Unusual Incidence Reports." An "unusual incident" under proposed subsection (c)(1) includes "complaints of patient abuse (physical, verbal, sexual, emotional and financial)." The phrase "financial abuse" is unclear. The Department should clarify what constitutes financial abuse. Additionally, there are a number of terms and phrases that are unclear in this proposed section: subsections (a)(1) "inappropriate behavior;" (a)(5) and (c)(2) "unusual circumstances;" (a)(6) and (c)(3) "significant disruption"; and (a)(9) and (b)(1) "unusual incident." The Department should clarify each of the terms indicated.

*Response*

The Department has deleted the term "financial abuse." The other terms are consistent with established Joint Commission for Accreditation of Health Organizations (JCAHO) Guidelines for Sentinel Events. The narcotic treatment regulations need to be consistent with these commonly accepted industry terms.

*Section 715.29. Exceptions.*

The Department received no comments on this section.

*Section 715.30. Applicability.*

The Department received no comments on this section.

*C. Fiscal Impact*

It is anticipated that the amendments to the narcotics addiction treatment program regulations will have no fiscal impact. In fact, it is anticipated that facilities, once in compliance, will experience savings as a result of these amendments. There will be no measurable costs imposed upon local or State government.

*D. Paperwork Estimate*

There will be no measurable increase in paperwork since a paperwork system for the license and approval of narcotic addiction treatment programs is already in place. The current licensure forms might require slight modification to account for the regulatory changes.

*E. Effective Date/Sunset Date*

This rulemaking will become effective immediately upon publication as final-form rulemaking. No sunset date is necessary. The Department will monitor the appropriateness of these regulations on a continuing basis.

*F. Statutory Authority*

The Department was authorized by the General Assembly under Reorganization Plan No. 2 of 1977 (71 P. S. § 751-25); Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31); and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.114) (Act 63), to assume the function and responsibilities of the Governor's Council on Drug and Alcohol Abuse (Council). The Council's authority to regulate and promulgate rules and regulations was transferred to the Department through those reorganization plans. See Reorganization Plan No. 2

of 1977 (transferring duties under the Public Welfare Code with regard to regulation, supervision and licensing of drug and alcohol facilities to the Council), Reorganization Plan No. 4 of 1981 (transferring the functions of the Council to the Department and establishing the Council as an advisory council) and Act 63, as amended by the act of December 20, 1985 (P. L. 529, No. 119), (amending Act 63 to reference the Pennsylvania Advisory Council on Drug and Alcohol Abuse). This final-form rulemaking was promulgated under these provisions and is being deleted, amended and added under these provisions. This final-form rulemaking is also required by Federal regulations, 42 CFR 8.1—8.34 (relating to certification of opioid treatment programs).

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2000, the Department submitted a copy of the proposed rulemaking, published at 30 Pa.B. 3795 (July 29, 2000), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment. In addition, in compliance with section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of the comments received.

The Department submitted a copy of the final-form rulemaking to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committees on August 26, 2002. In addition, the Department provided IRRC and the Committees with a copy of a 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 this final-form rulemaking the Department has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form rulemaking was deemed approved by the House and Senate Committees on September 16, 2002. IRRC met on September 26, 2002, and approved the final-form rulemaking in accordance with section 5.1 (e) of the Regulatory Review Act. The Office of Attorney General approved the regulations on October 28, 2002.

#### H. Contact Person

Questions regarding this final-form rulemaking may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with a disability may also submit questions regarding the final-form rulemaking by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-4984[TT]. Persons with a disability who would like to obtain this document in an alternative format (that is, large print, audio tape or Braille) may contact John Hair so that necessary arrangements may be made.

#### Findings

The Department finds that:

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

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

(3) The adoption of the final-form rulemaking in the manner provided by this order is necessary and appropriate.

#### Order

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

(a) The regulations of the Department, 4 Pa. Code Chapter 263, are amended by deleting §§ 263.1—263.26; 28 Pa. Code Chapters 701 and 705, are amended by amending § 701.1 and by adding §§ 715.1—715.30 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC and the House and Senate Committees for their review and action as required by law.

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

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

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5145 (October 12, 2002).)*

**Fiscal Note:** Fiscal Note 10-159 remains valid for the final adoption of the subject regulations.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART XI. GOVERNOR'S COUNCIL ON DRUG AND ALCOHOL ABUSE

#### CHAPTER 263. (Reserved)

§§ 263.1—263.26. (Reserved).

#### TITLE 28. HEALTH AND SAFETY

#### PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

#### CHAPTER 701. GENERAL PROVISIONS

#### Subchapter A. DEFINITIONS

#### § 701.1. General definitions.

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

\* \* \* \* \*

*Agent*—A Commonwealth approved opioid pharmacotherapy substance.

*CSAT*—Center for substance abuse treatment.

\* \* \* \* \*

*Commonwealth approved opioid pharmacotherapy substance*—Methadone, LAAM or other controlled drug approved by the Department for the detoxification or maintenance of opiate addiction.

*Controlled substance*—A drug, substance or an immediate precursor included in Schedules I through V of the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act (35 P. S. §§ 780-101—780-149).

\* \* \* \* \*

*DEA*—The Federal Drug Enforcement Administration.

*Detoxification of a narcotic dependent person utilizing an agent*—Dispensing of an agent in decreasing doses to an individual to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of an opiate and for assisting patients in reaching and maintaining a narcotic drug-free state of detoxification.

\* \* \* \* \*

*Long-term detoxification treatment*—Detoxification treatment for more than 30 days but not in excess of 180 days.

*Long-term residential facilities*—Facilities where the average length of stay exceeds 90 days.

*MH/MR administrator*—The person appointed by the local authority to carry out duties, as provided in the Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4101—4704), within a county MH/MR program.

*Maintenance treatment*—Dispensing of an agent in sufficient doses to an individual on a continuing basis in conjunction with assessment, rehabilitation, treatment and ancillary services, to achieve stabilization or prevent withdrawal symptoms for treatment of an individual with an opiate dependency.

*Medical director*—A narcotic treatment physician who assumes responsibility for the administration of all medical services performed in the narcotic treatment program, including ensuring that the program is in compliance with all Federal, State and local laws and regulations regarding the medical treatment of narcotic addiction with a an agent.

*Medication*—A prescription drug ordered by a licensed physician.

*Medication unit*—A facility established as part of, but geographically separate from, the narcotic treatment program site, from which a retail pharmacist or a practitioner, who is licensed under State law and registered under Federal law to administer or dispense a narcotic drug, may dispense or administer a narcotic drug or collect samples for drug testing or analysis for narcotic drugs.

*Narcotic or opioid dependent person*—An individual who physiologically needs heroin or an opiate to prevent the onset of signs of withdrawal and who meets the accepted diagnostic criteria for opioid dependence.

*Narcotic treatment physician*—A physician who meets the qualifying criteria in § 715.6(a)(1)(i)—(iii) who is employed or contracted by a narcotic treatment program to provide medical services to patients.

*Narcotic treatment program*—A program for chronic opiate drug users that administers or dispenses agents under a narcotic treatment physician's order either for detoxification purposes or for maintenance and when appropriate or necessary provides a comprehensive range of medical and rehabilitative services.

\* \* \* \* \*

*Physician*—An individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

\* \* \* \* \*

*Psychotherapy*—Treatment of problems of an emotional nature by psychological means in which a trained person deliberately establishes a professional relationship with the patient with the objective of removing, modifying or retarding existing symptoms, mediating disturbed patterns of behavior and promoting positive personality growth and development.

\* \* \* \* \*

*Short-term detoxification treatment*—Detoxification treatment for 30 days or less.

*State authority*—The agency designated by the Governor or other appropriate official to exercise the responsibility and authority for the treatment of narcotic addiction with an agent.

\* \* \* \* \*

**CHAPTER 715. STANDARDS FOR APPROVAL OF NARCOTIC TREATMENT PROGRAM**

- Sec.
- 715.1. General provisions.
- 715.2. Relationship of Federal and State regulations.
- 715.3. Approval of narcotic treatment programs.
- 715.4. Denial, revocation, or suspension of approval.
- 715.5. Patient capacity.
- 715.6. Physician staffing.
- 715.7. Dispensing or administering staffing.
- 715.8. Psychosocial staffing.
- 715.9. Intake.
- 715.10. Pregnant patients.
- 715.11. Confidentiality of patient records.
- 715.12. Informed patient consent.
- 715.13. Patient identification.
- 715.14. Urine testing.
- 715.15. Medication dosage.
- 715.16. Take-home privileges.
- 715.17. Medication control.
- 715.18. Rehabilitative services.
- 715.19. Psychotherapy services.
- 715.20. Patient transfers.
- 715.21. Patient termination.
- 715.22. Patient grievance procedures.
- 715.23. Patient records.
- 715.24. Narcotic detoxification.
- 715.25. Prohibition of medication units.
- 715.26. Security.
- 715.27. Readmission.
- 715.28. Unusual incidents.
- 715.29. Exceptions.
- 715.30. Applicability.

**§ 715.1. General provisions.**

(a) An entity within this Commonwealth which uses agents for maintenance or detoxification of persons shall obtain the approval of the Department to operate a narcotic treatment program.

(b) The Department's approval of a narcotic treatment program shall be contingent upon the narcotic treatment program's compliance with the standards and conditions in this part. In addition, the program shall comply with applicable Federal laws and regulations.

**§ 715.2. Relationship of Federal and State regulations.**

(a) A narcotic treatment program shall comply with Federal regulations and requirements governing the administration, dispensing and storage of agents.

(b) This chapter is intended to supplement the Federal regulations governing narcotic treatment programs in 21

CFR Chapter II, 1300—1399 (relating to Drug Enforcement Administration, Department of Justice).

**§ 715.3. Approval of narcotic treatment programs.**

(a) An entity shall apply for and receive approval as required from the Department, DEA and CSAT or an organization designated by the Substance Abuse and Mental Health Services Administration (SAMHSA), under the authority of section 303 of the Controlled Substances Act (21 U.S.C.A. § 823) and sections 501(d), 509(a), 543, 1923, 1927(a) and 1976 of the Public Health Service Act (42 U.S.C.A. §§ 290aa(d), 290bb-2(a), 290dd-2, 300x-23, 300x-27(a) and 300y-11), prior to offering services within this Commonwealth as a narcotic treatment program. Application for approval shall be made simultaneously to the Department, DEA and CSAT or SAMHSA designee.

(1) The Department will forward a recommendation for approval to the Federal officials after a review of policies and procedures and an onsite inspection by an authorized representative of the Department and after a determination has been made that the requirements for approval under this chapter have been met.

(2) The decision of the Federal officials set forth in 21 CFR Chapter II (relating to Drug Enforcement Administration, Department of Justice) or other Federal statutes shall constitute the final determination on the application for approval by DEA and CSAT or SAMHSA designee.

(b) A narcotic treatment program shall be licensed under the Department's regulations for drug and alcohol facilities in Chapter 157, 704, 705, 709 or 711. When a licensee applies to operate a narcotic treatment program, the history component of the application of the licensee shall include the licensee's record of operation of any facility regulated by any State or Federal entity. A narcotic treatment program may not be recommended for approval unless licensure has been obtained under Chapters 157, 704, 705, 709 or 711.

(c) The Department will grant approval as a narcotic treatment program after an onsite inspection and review of narcotic treatment program policies, procedures and other material, when the Department determines that the requirements for approval have been met.

(d) The Department will inspect a narcotic treatment program at least annually to determine compliance with State narcotic treatment program regulations. This inspection shall consist of an onsite visit and shall include an examination of patient records, reports, files, policies and procedures, and other similar items to enable the Department to make an evaluation of the status of the narcotic treatment program. The Department may inspect the narcotic treatment program without notice during any regular business hours of the narcotic treatment program.

(e) During the inspection process, a narcotic treatment program shall make available to the authorized staff of the Department full and free access to its premises, facilities, records, reports, files and other similar items necessary for a full and complete evaluation. The Department may make copies of materials it deems necessary under 42 CFR 2.53 (relating to audit and evaluation activities) and §§ 709.15 and 711.15 (relating to right to enter and inspect; and right to enter and inspect).

(f) The authorized Department representative may interview patients and staff as part of the inspection process.

(g) The Department may grant approval as a narcotic treatment program after an onsite inspection when the Department determines that a narcotic treatment program satisfies the following:

(1) It has substantially complied with applicable requirements for approval.

(2) It is complying with a plan of correction approved by the Department with regard to any outstanding deficiencies.

(3) Its existing deficiencies will not adversely alter the health, welfare or safety of the facility's patients.

(h) Notification of deficiencies involves the following:

(1) The authorized Department representative will provide the program director with a record of deficiencies with instructions to submit a plan of correction.

(2) The narcotic treatment program shall complete the plan of correction and submit it to the Department within 21 days after the last day of the onsite inspection.

(3) The Department will not grant approval as narcotic treatment program until the Department receives and approves a plan of correction.

**§ 715.4. Denial, revocation or suspension of approval.**

(a) The Department will deny, suspend or revoke approval of a narcotic treatment program if the applicant or program fails to comply with this chapter. Procedures for the revocation, suspension or denial of Department approval, and appeals from these actions, shall be the same as procedures in §§ 709.17, 709.18, 711.17 and 711.18.

(b) The Department may recommend to the DEA or CSAT or SAMHSA's designee to initiate proceedings to revoke or deny Federal approval.

(c) The Department may seek an injunction for the closure of a narcotic treatment program in a court of competent jurisdiction.

**§ 715.5. Patient capacity.**

The Department may increase or decrease the number of patients a narcotic treatment program may treat. The Department may raise the patient capacity, upon the written request of the narcotic treatment program, based upon the Department's review of the narcotic treatment program. The factors the Department will consider include:

(1) *Safety.* Considerations include dispensing time, internal patient flow and external traffic patterns.

(2) *Physical facility.* Considerations include the number and size of counseling offices, waiting areas, restrooms, and dispensing and nursing windows.

(3) *Staff size and composition.* Considerations include the number of narcotic treatment physicians, dispensing and counseling staff.

(4) *Ability to provide required services.* Considerations include compliance with licensing and narcotic treatment program regulations as determined during licensing, monitoring and special visits to the narcotic treatment program.

(5) *Availability and accessibility of service.* Considerations include the location of the narcotic treatment program and the hours of operation.

**§ 715.6. Physician staffing.**

(a) A narcotic treatment program shall designate a medical director to assume responsibility for administering all medical services performed by the narcotic treatment program.

(1) A medical director shall be a physician and shall have obtained one of the following:

(i) Three years documented experience in the provision of services to persons who are addicted to alcohol or other drugs, including at least 1 year of experience in the treatment of narcotic addiction with a narcotic drug.

(ii) Certification in addiction medicine by the American Society of Addiction Medicine.

(iii) A certificate of added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.

(2) When a narcotic treatment program is unable to hire a medical director who meets the qualifications in paragraph (1), the narcotic treatment program may hire an interim medical director. The narcotic treatment program shall develop and submit to the Department for approval a training plan for the interim medical director, addressing the measures to be taken for the interim medical director to achieve minimal competencies and proficiencies until the interim medical director meets qualifications identified in paragraph (1)(i), (ii) or (iii). The interim medical director shall meet the qualifications within 36 months of being hired.

(3) The medical director's responsibilities include the following:

(i) Supervision of narcotic treatment physicians.

(ii) Supervision of licensed practical nurses if the narcotic treatment program does not employ a registered nurse to supervise the nursing staff. In addition, the medical director in these instances shall ensure that licensed practical nurses adhere to written protocols for dispensing and administration of medication.

(b) A narcotic treatment program may employ narcotic treatment physicians to assist the medical director. A narcotic treatment physician's responsibilities include:

(1) Performing a medical history and physical exam.

(2) Determining diagnosis and determining narcotic dependence.

(3) Reviewing treatment plans.

(4) Determining dosage and all changes in doses.

(5) Ordering take-home privileges.

(6) Discussing cases with the treatment team.

(7) Issuing verbal orders pertaining to patient care.

(8) Assessing coexisting medical and psychiatric disorders.

(9) Treating or making appropriate referrals for treatment of these disorders.

(c) A narcotic treatment physician shall be otherwise available for consultation and verbal medication orders at all times when a narcotic treatment program is open and a narcotic treatment physician is not present.

(d) A narcotic treatment program shall provide narcotic treatment physician services at least 1 hour per week onsite for every ten patients.

(e) A physician assistant or certified registered nurse practitioner may perform functions of a narcotic treatment physician in a narcotic treatment program if authorized by Federal, State and local laws and regulations, and if these functions are delegated to the physician assistant or certified registered nurse practitioner by the medical director, and records are properly countersigned by the medical director or a narcotic treatment physician. One-third of all required narcotic treatment physician time shall be provided by a narcotic treatment physician.

Time provided by a physician assistant or certified registered nurse practitioner may not exceed two-thirds of the required narcotic treatment physician time.

**§ 715.7. Dispensing or administering staffing.**

(a) A narcotic treatment program shall be staffed as follows:

(1) If it operates an automated dispensing system, one full-time nurse or other person authorized by law to administer or dispense a controlled substance shall be available for every 200 patients.

(2) If it operates a manual or nonautomatic dispensing system, one full-time nurse or other person authorized by law to administer or dispense a controlled substance shall be available for every 150 patients.

(b) Dispensing time shall be prorated for patient census. There shall be sufficient dispensing staff to ensure that all patients are medicated within 15 minutes of arrival at the dispensing area.

**§ 715.8. Psychosocial staffing.**

A narcotic treatment program shall comply with the following staffing ratios as established in Chapter 704 (relating to staffing requirements for drug and alcohol treatment activities.):

(1) *General requirements.* A narcotic treatment program shall comply with the patient/staff and patient/counselor ratios in subparagraphs (i)—(vi) during primary care hours. These ratios refer to the total number of patients being treated, including patients with diagnoses other than drug and alcohol addiction served in other facets of the project. Family units may be counted as one patient.

(i) *Inpatient nonhospital detoxification (residential detoxification).*

(A) There shall be one full-time equivalent (FTE) primary care staff person available for every seven patients during primary care hours.

(B) There shall be a narcotic treatment physician on-call at all times.

(ii) *Inpatient hospital detoxification.* There shall be one FTE primary care staff person available for every five patients during primary care hours.

(iii) *Inpatient nonhospital treatment and rehabilitation (residential treatment and rehabilitation).* A narcotic treatment program serving adult patients shall have one FTE counselor for every eight patients.

(iv) *Inpatient hospital treatment and rehabilitation (general, psychiatric or specialty hospital).* A narcotic treatment program serving adult patients shall have one FTE counselor for every five patients.

(v) *Partial hospitalization.* A partial hospitalization narcotic treatment program shall have a minimum of one FTE counselor who provides direct counseling services to every ten patients.

(vi) *Outpatients.* The counseling caseload for one FTE counselor in an outpatient narcotic treatment program may not exceed 35 active patients.

(2) *Counselor assistants.* A counselor assistant eligible for a counseling caseload may be included in determining FTE ratios.

**§ 715.9. Intake.**

(a) Prior to administration of an agent, a narcotic treatment program shall screen each individual to determine eligibility for admission. The narcotic treatment program shall:

(1) Verify that the individual has reached 18 years of age.

(2) Verify the individual's identity, including name, address, date of birth, emergency contact and other identifying data.

(3) Obtain a drug use history and current drug use status of the individual.

(4) Have a narcotic treatment physician make a face-to-face determination of whether an individual is currently physiologically dependent upon a narcotic drug and has been physiologically dependent for at least 1 year prior to admission for maintenance treatment. The narcotic treatment physician shall document in the patient's record the basis for the determination of current dependency and evidence of a 1 year history of addiction.

(b) Exceptions to the requirements in subsection (a) are:

(1) A 1 year history of physiologic dependency is not required for detoxification or for pregnant patients.

(2) Upon readmitting a patient who has been out of a narcotic treatment program for 6 months or less after a voluntary termination, the narcotic treatment program shall update the information in and review the patient's file to show current opiate narcotic dependency, but need not conduct a physical examination and applicable laboratory tests. Privileges earned during the previous treatment may be reinstated at the discretion of the narcotic treatment physician.

(3) A patient who has been treated and later detoxified from comprehensive maintenance treatment may be readmitted to maintenance treatment, without evidence to support findings of current physiologic dependence, up to 2 years after discharge, if the following conditions are met:

(i) The narcotic treatment program attended is able to document prior narcotic drug comprehensive maintenance treatment of 6 months or more.

(ii) The admitting narcotic treatment physician, exercising reasonable clinical judgment, finds readmission to comprehensive maintenance treatment to be medically justified.

(c) If a patient was previously discharged from treatment at another narcotic treatment program, the admitting narcotic treatment program, with patient consent, shall contact the previous facility for the treatment history.

(d) A narcotic treatment program shall explain to each patient treatment options; pharmacology of methadone, LAAM and other agents, including signs and symptoms of overdose and when to seek emergency assistance; detoxification rights; grievance procedures; and clinic charges, including the fee agreement signed by the patient.

(e) A narcotic treatment program shall secure a personal history from the patient within the first week of admission. The personal history shall be made a part of the patient record.

#### § 715.10. Pregnant patients.

(a) A narcotic treatment program may place a pregnant patient, regardless of age, who has had a documented narcotic dependency in the past and who may return to narcotic dependency, on a comprehensive maintenance regime.

(1) For these patients, evidence of current physiological dependence on narcotic drugs is not needed if a narcotic treatment physician certifies the pregnancy and, exercising reasonable clinical judgment, finds treatment to be medically justified.

(2) Evidence of all findings and the criteria used to determine the findings shall be recorded in the patient's record by the admitting narcotic treatment physician before the initial dose is administered to the patient.

(b) A narcotic treatment program shall give pregnant patients the opportunity for prenatal care either by the narcotic treatment program or by referral to appropriate health-care providers.

(c) Counseling records and other appropriate patients records shall reflect the nature of prenatal support provided by the narcotic treatment program.

(d) Within 3 months after termination of pregnancy, the narcotic treatment physician shall enter an evaluation of the patient's treatment status into her record and state whether she should remain in comprehensive maintenance treatment or receive detoxification treatment.

(e) A patient who is or becomes pregnant may not be started or continued on LAAM, except by the written order of a narcotic treatment physician who determines that LAAM is the best therapy for that patient.

(1) An initial pregnancy test shall be performed for each prospective female patient of childbearing potential before admission to LAAM comprehensive maintenance treatment.

(2) A monthly pregnancy test shall be performed thereafter on female patients on LAAM.

(f) The narcotic treatment program shall ensure that each female patient is fully informed of the possible risk to her or her unborn child from continued use of illicit drugs and from use of, or withdrawal from a narcotic drug administered or dispensed by the program in comprehensive maintenance or detoxification treatment.

#### § 715.11. Confidentiality of patient records.

A narcotic treatment program shall physically secure and maintain the confidentiality of all patient records in accordance with 42 CFR 2.22 (relating to notice to patients of Federal confidentiality requirements) and § 709.28 (relating to confidentiality).

#### § 715.12. Informed patient consent.

A narcotic treatment program shall obtain an informed, voluntary, written consent before an agent may be administered to the patient for either maintenance or detoxification treatment. The following shall appear on the patient consent form:

(1) That methadone and LAAM are narcotic drugs which can be harmful if taken without medical supervision.

(2) That methadone and LAAM are addictive medications and may, like other drugs used in medical practices, produce adverse results.

(3) That alternative methods of treatment exist.

(4) That the possible risks and complications of treatment have been explained to the patient.

(5) That methadone is transmitted to the unborn child and will cause physical dependence.

**§ 715.13. Patient identification.**

(a) A narcotic treatment program shall use a system for patient identification for the purpose of verifying the correct identity of a patient prior to administration of an agent.

(b) A narcotic treatment program shall maintain onsite a photograph of each patient which includes the patient's name and birth date. The narcotic treatment program shall update the photograph every 3 years.

**§ 715.14. Urine testing.**

(a) A narcotic treatment program shall complete an initial drug-screening urinalysis for each prospective patient and a random urinalysis at least monthly thereafter.

(1) Each test shall be for opiates, methadone, amphetamines, barbiturates, cocaine and benzodiazepines.

(2) If the narcotic treatment program determines that other drugs are abused in that narcotic treatment program's locality or have been identified in the patient's drug and alcohol history as being a drug of abuse or use, a narcotic treatment program may conduct a test or analysis for other drugs as well.

(b) A narcotic treatment program shall develop and implement policies and procedures to ensure that urine collected from patients is unadulterated. These policies and procedures shall include random observation which shall be conducted professionally, ethically and in a manner which respects patient privacy.

(c) A narcotic treatment program shall develop and implement policies and procedures to minimize misidentification of urine specimens and to ensure that the tested specimens can be traced to the donor.

(d) A narcotic treatment program shall ensure that a laboratory that performs the testing required under this section shall be in compliance with applicable Federal requirements, specifically the Clinical Laboratory Improvement Amendments of 1998 (42 U.S.C.A. §§ 201 note, 263 and 263a notes), and State requirements, specifically the Pennsylvania Clinical Laboratory Act (35 P.S. §§ 2151—2165) and Chapter 5 (relating to clinical laboratories).

**§ 715.15. Medication dosage.**

(a) The narcotic treatment physician shall review the dosage levels at least twice a year, with each review occurring at least 2 months apart, to determine a patient's therapeutic dosage.

(b) The narcotic treatment physician shall determine the proper dosage level for a patient, except as otherwise provided in this section. If the narcotic treatment physician determining the initial dose is not the narcotic treatment physician who conducted the patient examination, the narcotic treatment physician shall consult with the narcotic treatment physician who performed the examination before determining the patient's initial dose and schedule.

(c) Methadone shall be administered or dispensed only in oral form and shall be formulated to reduce its potential for parenteral abuse.

(d) A narcotic treatment program shall label all take-home medication with the patient's name and the narcotic treatment program's name, address and telephone number and shall package all take-home medication as required by Federal regulation.

(e) LAAM shall be administered or dispensed only in oral form and shall be formulated to reduce its potential for parenteral abuse.

(f) The narcotic treatment program shall develop written policies and procedures relating to narcotic treatment medication dosage which includes the requirements of subsections (a)—(e).

**§ 715.16. Take-home privileges.**

(a) A narcotic treatment program shall determine whether a patient may be provided take-home medications.

(1) A narcotic treatment program may give take-home medications only to a patient who the narcotic treatment physician has determined is responsible and able to handle narcotic drugs outside the narcotic treatment program.

(2) The narcotic treatment physician shall make this determination after consultations with staff involved in the patient's care.

(3) The narcotic treatment physician shall document in the patient record the rationale for permitting take-home medication.

(4) A narcotic treatment physician may rescind take-home medication privileges.

(5) A narcotic treatment program shall develop written policies and procedures relating to granting and rescinding take-home medication privileges.

(b) The narcotic treatment physician shall consider the following in determining whether, in exercising reasonable clinical judgment, a patient is responsible in handling narcotic drugs:

(1) Absence of recent abuse of drugs (narcotic or non-narcotic), including alcohol.

(2) Regular narcotic treatment program attendance.

(3) Absence of serious behavioral problems at the narcotic treatment program.

(4) Absence of known recent criminal activity.

(5) Stability of the patient's home environment and social relationships.

(6) Length of time in comprehensive maintenance treatment.

(7) Assurance that take-home medication can be safely stored within the patient's home.

(8) Whether the rehabilitative benefit to the patient derived from decreasing the frequency of attendance outweighs the potential risks of drug diversion.

(c) A narcotic treatment program shall require a patient to come to the narcotic treatment program for observation daily or at least 6 days a week for comprehensive maintenance treatment, unless a patient is permitted to receive take-home medication as follows:

(1) A narcotic treatment program may permit a patient to reduce attendance at the narcotic treatment program for observation to three times weekly and receive no more than a 2-day take-home supply of medication when, in the reasonable clinical judgment of the narcotic treatment physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to narcotic treatment program rules for at least 3 months.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(2) A narcotic treatment program may permit a patient to reduce attendance at the narcotic treatment program for observation to two times weekly and receive no more than a 3-day take-home supply of medication when in the reasonable clinical judgment of the narcotic treatment physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to narcotic treatment program rules for at least 2 years.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(3) A narcotic treatment program may permit a patient to reduce attendance at the narcotic treatment program for observation to one time weekly and receive no more than a 6-day take-home supply of medication when in the reasonable clinical judgment of the narcotic treatment physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to narcotic treatment program rules for at least 3 years.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(v) A patient demonstrates no major behavioral problems.

(vi) A patient is employed, is actively seeking employment, attends school, is a homemaker or is considered unemployable for mental or physical reasons.

(vii) A patient is not known to have abused alcohol or other drugs within the previous year.

(viii) A patient is not known to have engaged in any criminal activity within the previous year.

(d) A narcotic treatment program may make exceptions to the requirements in subsection (c) relating to the length of time of satisfactory adherence to narcotic treatment program rules and number of days of take-home medication when, in the reasonable clinical judgment of the narcotic treatment physician, which is documented in the patient record:

(1) A patient has a permanent physical disability.

(2) A patient has a temporary disability.

(3) A patient has an exceptional circumstance such as illness, personal or family crisis, or travel which interferes with the patient's ability to conform to the applicable mandatory attendance schedules. In all cases, the patient shall demonstrate an ability to responsibly handle narcotic drugs.

(e) With an exception granted under subsection (d), a narcotic treatment program may not permit a patient to receive more than a 2-week take-home supply of medication.

(f) An exception granted under subsection (d) shall continue only for as long as the temporary disability or exceptional circumstance exists. When a patient is permanently disabled, that case shall be reviewed at least annually to determine whether the need for the exception still exists.

#### § 715.17. Medication control.

(a) A narcotic treatment program shall comply with applicable Federal and State statutes and regulations regarding the storing, compounding, administering and dispensing of medication.

(b) A narcotic treatment program shall develop policies and procedures regarding verbal medication orders, including the issuing and receiving of orders, identifying circumstances when orders are appropriate and documenting orders, in accordance with applicable Federal and State statutes and regulations.

(c) A narcotic treatment program shall develop and implement written policies and procedures regarding the medications used by patients which shall include, at a minimum:

##### (1) Administration of medication.

(i) A narcotic treatment physician shall determine the patient's initial and subsequent dose and schedule. The physician shall communicate the initial and subsequent dose and schedule to the person responsible for the administration of medication. Each medication order and dosage change shall be written and signed by the narcotic treatment physician.

(ii) An agent shall be administered or dispensed only by a practitioner licensed under the appropriate Federal and State laws to dispense agents to patients.

(iii) Only authorized staff and patients who are receiving medication shall be permitted in the dispensing area.

(iv) There shall be only one patient permitted at a dispensing station at any given time.

(v) Each patient shall be observed when ingesting the agent.

(vi) Administering and dispensing shall be conducted in a manner that protects the patient from disruption or annoyance from other individuals.

(2) *Drug storage areas.* A narcotic treatment program shall develop and implement written policies and procedures regarding storage of medications and access to the medication storage area. Agents shall be stored in a locked safe that has been approved by the DEA under 21 CFR 1301.72 and 1301.74 (relating to physical security controls; and other security controls).

(3) *Inspection of storage areas.* A narcotic treatment program shall inspect all drug storage areas and the dispensing station at least quarterly to ensure that the areas are maintained in compliance with Federal, State and local laws and regulations. A narcotic treatment program shall develop and implement written policies and procedures regarding who performs the inspections, how often, and in what manner the inspections are to be documented. The policies and procedures shall include the following:

(i) Disinfectants and drugs for external use shall be stored separately from oral and injectable drugs.

(ii) Drugs requiring special conditions for storage to insure stability shall be properly stored.

(iii) Outdated and contaminated drugs shall be removed and destroyed according to Federal and State regulations.

(iv) Administration of controlled substances shall be documented.

(v) Controlled substances and other abusable drugs shall be stored in accordance with Federal and State regulations.

(4) *Method for control and accountability of drugs.* A narcotic treatment program shall develop and implement written policies and procedures regarding who is authorized to remove drugs from the storage area and the method for accounting for all stored drugs. An agent or other drug prescribed or administered shall be documented on an individual medication record or sheet in a manner sufficient to maintain an accurate accounting of medication at all times and shall include:

- (i) The name of the medication.
- (ii) The date prescribed.
- (iii) The dosage.
- (iv) The frequency.
- (v) The route of administration.
- (vi) The date and time administered.
- (vii) The name of the person administering the medication.
- (viii) The take-home schedule, if applicable.

(5) *Security of all substances.* A narcotic treatment program shall develop and implement written policies and procedures to minimize the likelihood of loss, theft or misuse of an agent or another controlled substance as well as a plan of action if a loss, theft or misuse does occur. In the event of loss, theft or misuse, the Federal and State statutes and regulations regarding reporting shall be followed.

(6) *Inventories.* A narcotic treatment program shall conduct monthly inventories of agents and other controlled substances stored. Each inventory record shall include:

- (i) The date the inventory was conducted.
- (ii) The time of day it was conducted.
- (iii) The name and amount of each product on hand at the time of the inventory.
- (iv) The name of the individual conducting the inventory.

(7) *Drug reactions and medication errors.* A narcotic treatment program shall report any adverse drug reaction or medication error to a narcotic treatment physician immediately and initiate corrective action. The narcotic treatment program shall record the reaction or error in the drug administration record and the clinical chart, and shall inform each person who is authorized to administer medication or supervise self-medication of the reaction or error.

**§ 715.18. Rehabilitative services.**

(a) A narcotic treatment program shall provide, either onsite or through referral agreements, a full range of rehabilitative services. Rehabilitative services shall include:

- (1) HIV education services.
- (2) Employment services.
- (3) Adult educational services.
- (4) Behavioral health services.

(b) A patient shall also have the opportunity to access legal services.

**§ 715.19. Psychotherapy services.**

A narcotic treatment program shall provide individualized psychotherapy services and shall meet the following requirements:

(1) A narcotic treatment program shall provide each patient an average of 2.5 hours of psychotherapy per month during the patient's first 2 years, 1 hour of which shall be individual psychotherapy. Additional psychotherapy shall be provided as dictated by ongoing assessment of the patient.

(2) A narcotic treatment program shall provide each patient at least 1 hour per month of group or individual psychotherapy during the third and fourth year of treatment. Additional psychotherapy shall be provided as dictated by ongoing assessment of the patient.

(3) After 4 years of treatment, a narcotic treatment program shall provide each patient with at least 1 hour of group or individual psychotherapy every 2 months. Additional psychotherapy shall be provided as dictated by ongoing assessment of the patient.

**§ 715.20. Patient transfers.**

A narcotic treatment program shall develop written transfer policies and procedures which shall require that the narcotic treatment program transfer a patient to another narcotic treatment program for continued maintenance, detoxification or another treatment activity within 7 days of the request of the patient.

(1) The transferring narcotic treatment program shall transfer patient files which include admission date, medical and psychosocial summaries, dosage level, urinalysis reports or summary, exception requests, and current status of the patient, and shall contain the written consent of the patient.

(2) A narcotic treatment program shall maintain the confidentiality of patient records remaining in its possession after the transfer under § 715.11 (relating to confidentiality of patient records).

(3) The transferring narcotic treatment program shall document what materials were sent to the receiving narcotic treatment program.

(4) The receiving narcotic treatment program shall document in writing that it notified the transferring narcotic treatment program of the admission of the patient and the date of the initial dose given to the patient by the receiving narcotic treatment program.

**§ 715.21. Patient termination.**

A narcotic treatment program shall develop and implement policies and procedures regarding involuntary terminations. Involuntary terminations shall be initiated only when all other efforts to retain the patient in the program have failed.

(1) A narcotic treatment program may involuntarily terminate a patient from the narcotic treatment program if it deems that the termination would be in the best

interests of the health or safety of the patient and others, or the program finds any of the following conditions to exist:

(i) The patient has committed or threatened to commit acts of physical violence in or around the narcotic treatment program premises.

(ii) The patient possessed a controlled substance without a prescription or sold or distributed a controlled substance, in or around the narcotic treatment program premises.

(iii) The patient has been absent from the narcotic treatment program for 3 consecutive days or longer without cause.

(iv) The patient has failed to follow treatment plan objectives.

(2) A patient terminated involuntarily, except a patient who commits or threatens to commit acts of physical violence, shall be afforded the opportunity to receive detoxification of at least 7 days. The detoxification may take place at the facility or the patient may be referred to another narcotic treatment program or hospital licensed and approved by the Department for detoxification.

**§ 715.22. Patient grievance procedures.**

(a) A narcotic treatment program shall develop and utilize a patient grievance procedure.

(b) The procedure shall permit aggrieved patients a full and fair opportunity to be heard, to question and confront persons and evidence used against them and to have a fair review of their grievances by the narcotic treatment program director. If the grievance is filed against the narcotic treatment program director, the review of the case shall be conducted by either a multi-representative group of the narcotic treatment program or a subcommittee of the governing body instituted for the express purposes of grievance adjudication.

(c) Penalties may not be initiated prior to final resolution with the exception that penalties may be initiated against patients who have committed acts of physical violence or who have threatened to commit acts of physical violence in or around the narcotic treatment program premises.

**§ 715.23. Patient records.**

(a) A narcotic treatment program shall maintain patient records in conformance with 42 CFR 2.16 and 2.22 (relating to security for written records; and notice to patients of Federal confidentiality requirements) and State statutes and regulations. A narcotic treatment program shall maintain a complete file on the premises for each present and former patient of the narcotic treatment program for at least 4 years after the patient has completed treatment or treatment has been terminated. Files shall be updated regularly so that the information is current.

(b) Each patient file shall include the following information:

- (1) A complete personal history.
- (2) A complete drug and alcohol history.
- (3) A complete medical history.
- (4) The results of an initial intake physical examination.
- (5) The results of all annual physical examinations given by the narcotic treatment program which includes an annual reevaluation by the narcotic treatment physician.

(6) Results of laboratory tests or other special examinations given by the narcotic treatment program.

(7) Documentation of a 1-year history of narcotic dependency, if applicable.

(8) The patient's current and past narcotic dosage level.

(9) Other drugs prescribed by the narcotic treatment physician and the reasons therefore.

(10) Urine testing results.

(11) Counselor notes regarding patient progress and status.

(12) Applicable consent forms.

(13) Patient record of services.

(14) Case consultation notes regarding the patient.

(15) Psychosocial evaluations of the patient.

(16) Any psychiatric, psychological or other evaluations, if available.

(17) Treatment plans and applicable periodic treatment plan updates.

(18) Federal and State exceptions to the regulations granted to the project on behalf of the patient.

(19) Referrals to other projects or services.

(20) Take-home privileges granted to the patient.

(21) Annual evaluation by the counselor.

(22) Aftercare plan, if applicable.

(23) Discharge summary.

(24) Follow-up information regarding the patient.

(25) Documentation of patient grievances.

(c) An annual evaluation of each patient's status shall be completed by the patient's counselor and shall be reviewed, dated and signed by the medical director. The annual evaluation period shall start on the date of the patient's admission to a narcotic treatment program and shall address the following areas:

- (1) Employment, education and training.
- (2) Legal standing.
- (3) Substance abuse.
- (4) Financial management abilities.
- (5) Physical and emotional health.
- (6) Fulfillment of treatment objectives.
- (7) Family and community supports.

(d) A narcotic treatment program shall prepare a treatment plan that outlines realistic short and long-term treatment goals which are mutually acceptable to the patient and the narcotic treatment program.

(1) The treatment plan shall identify the behavioral tasks a patient shall perform to complete each short-term goal.

(2) The narcotic treatment physician or the patient's counselor shall review, reevaluate, modify and update each patient's treatment plan as required by Chapters 157, 709 and 711 (relating to drug and alcohol services general provisions; standards for licensure of freestanding treatment activities; and standards for certification of treatment activities which are a part of a health care facility).

(e) Patient file records, information and documentation shall be legible, accurate, complete, written in English and maintained on standardized forms or electronically.

(f) If a narcotic treatment program keeps patient information in more than one file or location, it is the responsibility of the narcotic treatment program to provide the entire patient record to authorized persons conducting narcotic treatment program approval activities at the narcotic treatment program, upon request.

**§ 715.24. Narcotic detoxification.**

If a narcotic treatment program provides narcotic detoxification services, the narcotic treatment program shall develop and implement narcotic detoxification policies and procedures which include the following:

(1) For narcotic detoxification from methadone or any other narcotic, the detoxification service may not exceed 180 days.

(2) For calculating the 1-year narcotic dependency history required for admission to maintenance treatment, the narcotic detoxification period may not be included.

(3) A 1-year physiologic dependence is not required for narcotic detoxification although documentation of current dependency is required.

(4) Minimum requirements for short-term narcotic detoxification treatment are as follows:

(i) Take-home medication is not allowed during a 30-day narcotic detoxification treatment. A narcotic treatment program shall observe the patient ingesting the medication 7 days per week.

(ii) The narcotic treatment program shall perform an initial drug screening test or analysis.

(iii) The narcotic treatment program shall develop a treatment plan. The patient's counselor shall monitor the patient's progress toward the goal of short-term narcotic detoxification and possible drug-free treatment referral.

(iv) No narcotic treatment program may provide short-term narcotic detoxification treatment to an individual until at least 7 days after the conclusion of any previous short-term narcotic detoxification treatment.

(5) Minimum requirements for long-term detoxification treatment are as follows:

(i) A narcotic treatment program shall administer medication to allow a patient to attain drug-free status and to make progress in rehabilitation within 180 days or less.

(ii) A narcotic treatment program shall perform an initial drug screening test or analysis. A narcotic treatment program shall perform at least one additional random test or analysis monthly on each patient during long-term narcotic detoxification.

(iii) The narcotic treatment program shall develop an initial treatment plan, and update the plan monthly.

(iv) A narcotic treatment program shall observe the patient while ingesting the medication at least 6 days a week.

(v) No narcotic treatment program may provide long-term narcotic detoxification treatment to an individual until at least 7 days after the conclusion of any previous narcotic detoxification treatment.

**§ 715.25. Prohibition of medication units.**

Narcotic treatment medication units are prohibited.

**§ 715.26. Security.**

(a) A narcotic treatment program shall meet the security standards for the distribution and storage of controlled substances as required by Federal regulations, including 21 CFR 1301.72 and 1301.74 (relating to physical security controls; and other security controls) and State statutes and regulations.

(b) Each narcotic treatment program shall provide the Department with a specific plan describing the efforts it will make to avoid disruption of the community by its patients and the actions it will take to assure responsiveness to the community. This plan shall designate a staff member to act as community liaison.

**§ 715.27. Readmission.**

If a patient requests readmission to a narcotic treatment program after voluntary termination from that narcotic treatment program, that narcotic treatment program shall provide that patient with an evaluation interview and shall give that patient priority consideration for readmission.

**§ 715.28. Unusual incidents.**

(a) A narcotic treatment program shall develop and implement policies and procedures to respond to the following unusual incidents:

(1) Physical assault by a patient.

(2) Inappropriate behavior by a patient causing disruption to the narcotic treatment program.

(3) Selling of drugs on the premises.

(4) Complaints of patient abuse (physical, verbal, sexual and emotional).

(5) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.

(6) Significant disruption of services due to disaster such as fire, storm, flood or other occurrence.

(7) Incident with potential for negative community reaction or which the facility director believes may lead to community concern.

(8) Theft, burglary, break-in or similar incident at the facility.

(9) Drug related hospitalization of a patient.

(10) Other unusual incidents the narcotic treatment program believes should be documented.

(b) These policies and procedures shall include the following:

(1) Documentation of the unusual incident.

(2) Prompt review and investigation.

(3) Implementation of a timely and appropriate corrective action plan, when indicated.

(4) Ongoing monitoring of the corrective action plan.

(c) A narcotic treatment program shall file a written Unusual Incident Report with the Department within 48 hours following an unusual incident including the following:

(1) Complaints of patient abuse (physical, verbal, sexual and emotional).

(2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.

(3) Significant disruption of services due to a disaster such as a fire, storm, flood or other occurrence.

(4) Incidents with potential for negative community reaction or which the facility director believes may lead to community concern.

(5) Drug related hospitalization of a patient.

#### § 715.29. Exceptions.

A narcotic treatment program is permitted, at the time of application or any time thereafter, to request an exception from a specific regulation.

(1) The request for an exception from a specific regulation shall be in writing, with governing body approval, and shall state how the narcotic treatment program will meet the intent of the regulation.

(2) The Department may withhold the granting of an exception and may require a narcotic treatment program to be in actual operation to assess if the exception is appropriate.

(3) The Department will reserve the right to revoke any exception previously granted.

(4) The narcotic treatment program shall maintain documentation of the Department's approval of an exception.

(5) If the exception relates to a specific patient, the narcotic treatment program shall maintain documentation of the exception in the patient's record.

#### § 715.30. Applicability.

This chapter applies to the use of any agent which may be approved by the Department for use in narcotic or opioid dependency medication therapy. This chapter applies to the administration of any agent which may be approved by the Department for use in the treatment of opioid dependency.

[Pa.B. Doc. No. 02-2052. Filed for public inspection November 15, 2002, 9:00 a.m.]

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

#### [40 PA. CODE CH. 9]

[Correction]

#### Transporters-for-Hire

An error occurred in the preamble to the final rulemaking which appeared at 32 Pa.B. 5512 (November 9, 2002). The correct version of the second paragraph is as follows:

The amendments are necessary in order to aid entities licensed by the Board as transporters-for-hire. Transporters-for hire are authorized to engage in the commercial transportation of liquor, malt or brewed beverages or alcohol to or from points located in this Commonwealth. The regulations currently require transporters-for-hire to own or lease their vehicles and employ the drivers of these vehicles. This regulatory change would permit these licensees to contract with unlicensed haulers for transportation services using the unlicensed transporters' vehicles and drivers. Such a regulatory change would enable transporters-for-hire to adjust to fluctuations in business volume without having to commit to large expenditures in vehicles and person-

nel. Moreover, persons who have contracted with and are performing transportation services for a transporter-for-hire would be considered agents of the licensee thus making the transporter-for-hire's license liable for any violation that may result. Additionally, the regulations required that transporters-for-hire notify the Board of vehicles that are no longer in service. The Board has not required this notification by its licensees as a matter of practice for numerous years; therefore, this requirement is being deleted.

[Pa.B. Doc. No. 02-1998. Filed for public inspection November 8, 2002, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

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

#### Fishing

The Fish and Boat Commission (Commission) by this order amends Chapters 61 and 63 (relating to seasons, sizes and creel limits; and general fishing regulations). The Commission is publishing this rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

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

#### D. Purpose and Background

This rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of this rulemaking is described in more detail under the summary of changes.

#### E. Summary of Changes

(1) *Section 61.1.* According to this section, the extended trout season applies to "all approved trout waters streams plus lakes and ponds." The "Summary of Fishing Regulations and Laws" (Summary Book), on the other hand, provides that the extended trout season applies to "all approved trout streams and their downstream areas and all lakes and ponds." Because the current wording of

§ 61.1 is a bit awkward and does not include the downstream areas, the Commission amended this section as proposed.

(2) *Sections 63.3 and 63.20.* The allocation of stocked trout is a dynamic process, which has recently resulted in some changes, with some waters that were previously not to be stocked by the Commission this year having been added back to the stocking program. Under §§ 63.3 and 63.20 and § 65.26 (relating to extended trout seasons), the term “approved trout waters” has regulatory significance.

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

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

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

The Commission’s regulations are currently worded in a way that seems to limit the Commission’s ability to add waters back to the approved trout waters list. Currently, the list is defined as the list in the Summary Book, which does not give the Commission much flexibility. Accordingly, the Commission amended §§ 63.3 and 63.20 as proposed.

*F. Paperwork*

This rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

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

*H. Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 3493 (July 20, 2002). The Commission did not receive any public comments regarding the proposals.

*Findings*

The Commission finds that:

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

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61 and 63, are amended by amending §§ 61.1, 63.3 and 63.20 to read as set forth at 32 Pa.B. 3493.

(b) The Executive Director will submit this order and 32 Pa.B. 3493 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 32 Pa.B. 3493 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-129 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-2053. Filed for public inspection November 15, 2002, 9:00 a.m.]

FISH AND BOAT COMMISSION  
[58 PA. CODE CHS. 101, 109, 111 AND 115]  
Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 101, 109, 111 and 115. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking relates to boating.

*A. Effective Date*

With the exception of the amendment to § 111.2 (relating to Allegheny County), the final-form rulemaking will go into effect on January 1, 2003. The amendment to § 111.2 will go into effect on May 1, 2003, not January 1, 2003, as proposed.

*B. Contact Person*

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

*C. Statutory Authority*

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

*D. Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission’s regulations pertaining to boating. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes. The Commission’s Boating Advisory Board considered all of the amendments prior to the

Commission's consideration of them on final-form rulemaking and recommended that the Commission adopt them as set forth in the notice of proposed rulemaking except as described in this Preamble.

#### E. Summary of Changes

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

Adoption of this final-form rulemaking will result in less paperwork being required by the public to report a loss. It also will reduce the amount of recordkeeping by the Bureau of Law Enforcement and the Bureau of Boating and Education. In 2001, 90 recreational boating accidents were reported to the Commission. If the Commission had been using the new criteria of \$2,000 or more, there would have been 16 fewer or 74 reportable accidents, a reduction of 18%. In 2000, the change would have been less dramatic. There were 90 accidents reported. With the new criteria, there would have been eight fewer reportable accidents, a reduction of 9%. The Commission adopted this amendment as proposed.

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

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

The Commission published a notice of proposed rulemaking in the *Pennsylvania Bulletin* and held a public meeting in the Pittsburgh area to give the public additional opportunity to comment. Essentially, boaters are in two camps—those that want a "slow no wake" zone along the entire developing Pittsburgh waterfront and those that do not want further restrictions. In between these extremes are boaters who see a need for some restrictions during certain specified time periods. The Commission has reviewed the comments in the context of the site and has concluded that additional restrictions are warranted. Arguments for extending the zone to encompass the waterside development of the David E. Lawrence Convention Center are also persuasive. Accordingly, the Commission, on final-form rulemaking, amended § 111.2(c) to

extend the slow, no wake zone on the Allegheny River to the Fort Wayne (Norfolk Southern) Bridge, instead of the Sixth Street Bridge as proposed. This extension will add an additional 2,000 feet to the zone and will encompass the waterside development in the vicinity of the David E. Lawrence Convention Center. This final-form rulemaking will go into effect on May 1, 2003.

The Commission also approved the publication of a new notice of proposed rulemaking to extend the slow, no wake zone on the Monongahela River from the Fort Pitt Bridge to the Smithfield Bridge and to change the time that the zones are in effect to 7-days-a-week, 24-hours-a-day between May 1 and October 1. Having the zone in effect 7-days-a-week, 24-hours-a-day, between May 1 and October 1 will enhance the boaters' understanding of the regulation and make education, notification (signage) and enforcement easier to implement. If adopted on final-form rulemaking, this amendment also would go into effect on May 1, 2003. The amendments, if promulgated in toto, would address the concerns expressed by the City of Pittsburgh and others and would encompass the river areas currently under active development.

(4) *Sections 115.4, 115.8 and 115.9.* A recent review of Chapter 115 (relating to boats carrying passengers for hire) revealed that minor changes were needed to correct some of the problems and concerns that occur for owners and operators of passenger carrying vessels and the inspectors that inspect these vessels. In § 115.4(a) and (d), the Commission adopted amendments to make it clear that when the inspector arrives on the agreed date of inspection, the vessel must be completely ready for inspection and a current certificate of insurance must be presented to the inspector. Too often, vessels are not ready for inspection and certificates of insurance are late or never forwarded by the insurance companies.

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

The fee requirement in § 115.9(a) was redundant because § 115.9(c) already requires that the applicable fee be attached to the application. Thus, the Commission deleted the fee requirement in § 115.9(a). The Commission also amended § 115.9(d) to be more specific concerning examination requirements for the oral and practical test. Prior regulations required a Boating Safety Education Certificate for crewmembers but not the operator. Accordingly, the Commission amended these sections as proposed.

#### F. Paperwork

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

#### G. Fiscal Impact

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

H. *Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 3490 (July 20, 2002). The Commission also sent copies of the proposed amendments to Chapter 115 to all operators of "passengers for hire" boats.

The Commission did not receive any public comments regarding the proposals except for the amendment to § 111.2. During the formal public comment period, the Commission received a total of 86 comments, including a form letter submitted by 63 individuals opposing the amendment to § 111.2. The Commission also received public comments before and after the formal period for accepting comments. Copies of all public comments have been provided to the Commissioners. In addition, the Commission held a public meeting on August 1, 2002, in Monroeville to give the public an additional opportunity to comment. About 40 people attended the meeting and expressed a wide divergence of views.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided, and the comments that were received were considered.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 101, 109, 111 and 115, are amended by amending §§ 101.2, 109.3, 115.4, 115.8 and 115.9 to read as set forth at 32 Pa.B. 3490 and by amending § 111.2 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 32 Pa.B. 3490 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 32 Pa.B. 3490 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-128 remains valid for the final adoption of the subject regulations.

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

§ 111.2. *Allegheny County.*

(a) *Allegheny River.* The following special regulations apply to the Allegheny River:

(1) Boats are limited to slow, minimum height swell speed from Miles 12.8 to Lock and Dam Number 2 at Mile 14.5 in the back channel of Twelve and Fourteen Mile Islands.

(2) The area behind Nine Mile Island, Mile 10.0 to Mile 10.4 is a designated ski zone. Boats not actively engaged in towing water skiers are limited to slow, minimum height swell speed.

(b) *Monongahela River.* Water skiing is prohibited from the Glassport Bridge (Mile 19.4) to the Union Railroad Bridge (Mile 21.1) at Clairton.

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

(d) *Youghiogheny River.* Boats are limited to slow, minimum height swell speed from the mouth of the Youghiogheny River to the McKeesport Access Area, a distance of about 200 yards.

[Pa.B. Doc. No. 02-2054. Filed for public inspection November 15, 2002, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[58 PA. CODE CH. 111]**  
**Boating; Horsepower Limits**

The Fish and Boat Commission (Commission) by this orders amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This final-form rulemaking relates to horsepower limits at six State park lakes.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication of this order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The amendments to §§ 111.9, 111.10, 111.11, 111.32, 111.43 and 111.67 are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

This final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the final-form rulemaking described in more detail under the summary of changes. The Commission's Boating Advisory Board considered the amendments prior to the Commission's

consideration of them on final-form rulemaking and recommended that the Commission adopt them as set forth in the notice of proposed rulemaking.

#### E. Summary of Proposal

The Department of Conservation and Natural Resources (DCNR) announced on March 14, 2002, that boating horsepower limits at six State park lakes have been changed in a pilot program seeking better enforcement and the best protection of the environment. Under the pilot program, outboard motor limits have been increased from 10 horsepower to 18 horsepower at the following lakes: Lake Marburg, Codorus State Park, York County; Lake Wilhelm, Maurice K. Goddard State Park, Mercer County; Lake Arthur, Moraine State Park, Butler County; Lake Nockamixon, Nockamixon State Park, Bucks County; Glendale Lake, Prince Gallitzin State Park, Cambria County; and Yellow Creek Lake, Yellow Creek State Park, Indiana County. The pilot program went into effect immediately.

At DCNR's request, the Commission has, in the past, adopted special boating regulations for State park lakes. These regulations maintained unlimited horsepower at seven State park lakes; motors not larger than 10 horsepower at seven State park lakes (including the six where the test program has been implemented); and electric motors only at 35 State parks lakes.

With regard to the lakes included in the pilot program, the Commission believed that its special regulations governing them should be deleted until a time as the DCNR has made a final determination as to horsepower limits. On final-form rulemaking, the Commission adopted the amendments deleting the special regulations, as proposed. The Commission also adopted an amendment to § 111.11(a) (relating to Cambria County) to add text that previously was inadvertently omitted.

#### F. Paperwork

This final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

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

#### H. Public Involvement

A notice of proposed rulemaking was published at 32 Pa.B. 3951 (August 10, 2002). The Commission did not receive any public comments regarding the proposal to remove the horsepower restrictions on the pilot program lakes. However, the Commission received comments, which it forwarded to the DCNR, regarding increasing the horsepower restrictions at these lakes.

#### Findings

The Commission finds that:

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

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

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending §§ 111.9—111.11, 111.32, 111.43 and 111.67 to read as set forth at 32 Pa.B. 3951.

(b) The Executive Director will submit this order and 32 Pa.B. 3951 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 32 Pa.B. 3951 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-127 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-2055. Filed for public inspection November 15, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 111]

#### Boating; Pike County

The Fish and Boat Commission (Commission) by this order amends Chapter 111 (relating to special regulations counties). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

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

#### D. Purpose and Background

This final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of this final-form rulemaking is described in more detail under the summary of changes.

#### E. Summary of Changes

Under § 111.52(c)(5), floating docks and mooring buoys shall be removed from Lake Wallenpaupack, Pike County, prior to December 1 of the year. Commission staff believe that the Commission adopted this regulation in the early 1970s at the request of PP&L, which wanted to make the lake safer for snowmobiles. From a boating safety perspective, the regulation did not serve any purpose. In

addition, the Department of Environmental Protection, Bureau of Watershed Management, has prepared a draft general permit specific to Lake Wallenpaupack for docks, access paths and ramps, boat launching ramps and shoreline stabilization and protection projects at the lake. One of the permit conditions will be that floating docks must be removed from the water by December 1 of each year. Therefore, the special boating regulation is no longer necessary, and the Commission removed it, as proposed.

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

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

*H. Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 3492 (July 20, 2002). The Commission did not receive any public comments regarding the proposal.

*Findings*

The Commission finds that:

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

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.52 to read as set forth in 32 Pa.B. 3492.

(b) The Executive Director will submit this order and 32 Pa.B. 3492 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 32 Pa.B. 3492 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-130 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 02-2056. Filed for public inspection November 15, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## LIQUOR CONTROL BOARD

### [40 PA. CODE CH. 5] Responsible Alcohol Management

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposes to add Subchapter I (relating to responsible alcohol management) to read as set forth in Annex A.

#### *Purpose*

The additional sections are necessary to supplement legislative changes to the Liquor Code, specifically the addition of section 471.1 (47 P. S. § 4-471.1) by the act of December 20, 2000 (P. L. 992, No. 141) (Act 141), which addresses responsible alcohol management. The proposed rulemaking establishes guidelines for implementing a responsible alcohol management program as required by Act 141.

#### *Summary of Proposed Rulemaking*

The proposed rulemaking defines terms, outlines the procedure for certification of providers of alcohol server education, sets forth provider responsibilities, including recordkeeping and penalties for prohibited conduct by a provider or its instructors. The proposed rulemaking explains new employee orientation, acceptable types of signage and certification of licensees by the Board.

#### *Affected Parties*

This is a voluntary program for retail licensees including: restaurants, retail dispenser eating places (beer-only restaurants), clubs, catering clubs, public and private golf courses, distributors and importing distributors and their employees. The program would be mandatory for a licensee who is required to attend the Board's responsible alcohol management classes resulting from an adjudication by an administrative law judge.

#### *Paperwork Requirements*

The Board will be required to keep records of persons trained in manager/owner and server/seller training for the purpose of certifying licensees as being in compliance with the responsible alcohol management program. The Board will also keep records of providers and instructors certified for the program. Participating licensees will be required to keep records of employee orientation and server/seller training. There is also an application requirement for those licensees desiring to be certified as being in compliance with the responsible alcohol management program.

#### *Fiscal Impact*

The Board anticipates an annual interest that would require costs of about \$400,000 from the State Stores Fund. Actual costs will be determined by the extent of voluntary participation by licensees and to a lesser extent when mandatory participation is part of an adjudication in a citation proceeding. Greater participation could increase costs beyond \$400,000 and less participation would reduce costs below \$400,000. The \$500 license fees for providers and \$100 license fees for instructors will defray some of the Board's administrative costs but will have little or no impact on the cost of the program.

#### *Effective Date/Sunset Date*

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

#### *Public Comment/Contact Person*

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be addressed to Jerry Danyluk, Regulatory Coordinator, Liquor Control Board, Room 513, Northwest Office Building, Harrisburg, PA 17124-0001.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 30, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

JONATHAN H. NEWMAN,  
*Chairperson*

**Fiscal Note:** 54-57. (1) State Store Fund; (2) Implementing Year 2002-03 is \$200,000 (half year); (3) 1st Succeeding Year 2003-04 is \$400,000; 2nd Succeeding Year 2004-05 is \$400,000; 3rd Succeeding Year 2005-06 is \$400,000; 4th Succeeding Year 2006-07 is \$400,000; 5th Succeeding Year 2007-08 is \$400,000; (7) Executive Authorization; (8) recommends adoption.

#### **Annex A**

#### **TITLE 40. LIQUOR**

#### **PART I. LIQUOR CONTROL BOARD**

#### **CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

#### **Subchapter I. RESPONSIBLE ALCOHOL MANAGEMENT**

#### **GENERAL PROVISIONS**

Sec.

5.201. Definitions.

#### **PROVIDERS OF ALCOHOL SERVICE PERSONNEL TRAINING**

5.211. Provider certification.

5.212. Provider responsibilities.

5.213. Penalties for prohibited conduct.

**NEW EMPLOYEE ORIENTATION, SIGNAGE, CERTIFICATION OF COMPLIANCE**

- 5.221. New employee orientation.
- 5.222. Signage.
- 5.223. Certification of compliance.

**GENERAL PROVISIONS**

**§ 5.201. Definitions.**

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

*Alcohol service education provider or provider*—An individual or business entity certified by the Board who employs instructors to administer responsible alcohol management classes to alcohol service personnel.

*Instructor/trainer*—An individual employed by an alcohol service education provider who is certified by the Board to instruct alcohol service personnel in responsible alcohol management.

*New employee orientation*—The training of new employees on issues including, but not limited to, underage drinking and visibly intoxicated patrons, in the manner set forth in § 5.221 (relating to new employee orientation).

*Responsible server practices*—Methods utilized by alcohol service personnel to recognize and prevent attempted illegal activity on the licensed premises including, but not limited to, violations of sections 493—495 of the Liquor Code (47 P. S. §§ 4-493—4-495) and 18 Pa.C.S. §§ 6307—6310.3.

**PROVIDERS OF ALCOHOL SERVICE PERSONNEL TRAINING**

**§ 5.211. Provider certification.**

(a) A person or entity desiring to become an alcohol service education provider shall be Board certified. Certification shall be for a 2-year period. The Board may certify a provider if it complies with the following:

(1) Files an application on forms to be provided by the Board, and submits a \$500 nonrefundable application evaluation fee.

(2) Submits a curriculum to the Board that minimally includes the following:

(i) Alcohol as a drug and its effects on the human body and behavior, especially driving ability.

(ii) The effects of alcohol in combination with illegal drugs as well as in combination with commonly used legal prescription and over-the-counter drugs.

(iii) Laws dealing with liquor liability, drunk driving, furnishing alcoholic beverages to minors, and visibly intoxicated persons as well as penalties associated with violations of these laws.

(iv) Standards and operating procedures for recognizing and dealing with a customer who has had enough to drink or a problem customer, such as cessation of service and providing alternative means of transportation to get the customer home safely.

(v) Techniques for determining the validity of age identification through legally acceptable forms of identification.

(vi) Policies regarding advertising, marketing and promotion of safe and responsible drinking patterns.

(3) Employs Board certified instructors.

(b) Providers shall identify all program instructors on provider Staff Certification Forms issued by the Board, together with a \$100 fee for each instructor.

(c) To qualify for Board certification as an instructor, an applicant shall have a minimum of 2 years experience as a full-time employee in any one or more of these fields: education, law, law enforcement, substance abuse prevention, the hospitality industry or alcohol service training.

(d) Both provider or instructor certification shall be effective for 2 years from the date of issuance. Reapplication for provider and instructor certification, or both, may be made 30 days prior to expiration of the current certification.

(e) Termination of employment with the provider will result in termination of instructor certification for that employee.

**§ 5.212. Provider responsibilities.**

A provider shall:

(1) Be responsible for monitoring instructors, classes, students and examinations as prescribed by the Board.

(2) Be responsible for maintaining instructor records regarding attendance and test results.

(3) Keep, for 2 years, complete enrollment records, a record of all students it certifies as having successfully completed its course and the name and license number of the licensee who employs each student at the time of certification. A list consisting of the students each provider certifies and the licensee who employs them shall be submitted to the Board within 5 days of certification.

(4) Keep and make available for review, all records referenced in this section in the same manner prescribed for the maintenance of business records by Board licensees under section 493(12) of the Liquor Code (47 P. S. § 4-493(12)).

(5) Be responsible for reporting changes in ownership, management, the employment status of instructors or curriculum not later than 30 days after the change.

**§ 5.213. Penalties for prohibited conduct.**

(a) The Board may decertify a provider and its instructors or an individual instructor for violating any of the provisions of this subchapter or engaging in the following conduct:

(1) Discrimination or harassment based on age, race, sex, disability, national origin or religion.

(2) An act in violation of the Liquor Code or this title.

(3) An act resulting in a misdemeanor or felony conviction.

(4) An act resulting in admittance into an Accelerated Rehabilitative Disposition Program if the underlying activity is related to alcoholic beverages, narcotics or controlled substances.

(5) Being under the influence of alcoholic beverages, narcotics or controlled substances during course presentations, exams or breaks.

(6) Knowingly permitting students to be under the influence of alcoholic beverages, narcotics or controlled substances during course presentations, exams or breaks.

(7) Fraudulent activity relating to the conduct or requirements of the training.

(b) Appeals from decertification shall be as set forth in 2 Pa.C.S. § 702 (relating to appeals). The Board will not

consider application for recertification until 1 year has passed from the date of decertification.

### NEW EMPLOYEE ORIENTATION, SIGNAGE, CERTIFICATION OF COMPLIANCE

#### § 5.221. New employee orientation.

(a) Owners or managers who wish to or are ordered to be in compliance with section 471.1 of the Liquor Code (47 P. S. § 4-471.1) shall provide new employee orientation on or before the first day of the employee's employment as a member of the licensee's alcohol service personnel staff. It is the sole responsibility of the licensee to ensure that either the designated manager or owner conducts the training. Licensees shall maintain new employee orientation records consisting of the name of the employee, date of hire, date of orientation and the name of the individual who trained the employee. Records shall be maintained in the same manner as other business records under section 493(12) of the Liquor Code (47 P. S. § 4-493(12)).

(b) The Board will provide licensees with a checklist and appropriate learning materials.

#### § 5.222. Signage.

(a) Signage will be provided by the Board. A licensee may use other signage provided that it is equivalent in size, number and content to the Board's signage. Signage shall minimally include the following information:

(1) Acceptable forms of identification as described in section 495(a) of the Liquor Code (47 P. S. § 4-495(a)).

(2) Refusal of service to minors and visibly intoxicated patrons under the Liquor Code.

(b) Signage shall be prominently displayed in a conspicuous place that can be observed readily by patrons. The signage shall be continuously posted commencing with the date a licensee seeks to be certified as in compliance with the responsible alcohol service program. A licensee shall be responsible for the posting and maintenance of the signage at all times.

#### § 5.223. Certification of compliance.

(a) Licensees may be certified by the Board in compliance with section 471.1 of the Liquor Code (47 P. S. § 4-471.1). Licensees shall file an application for compliance certification to be provided by the Board. If the requirements of section 471.1 of the Liquor Code are met, a licensee will be issued a certificate of compliance. Issuance of the certificate shall raise a presumption of compliance from the application mailing date, unless rebutted, in any subsequent legal proceeding in which compliance with section 471.1 of the Liquor Code is at issue. Compliance certification shall be valid for 2 years. Licensees may apply for recertification of compliance at least 60 days prior to expiration of current certification.

(b) If a licensee is found to be noncompliant with section 471.1 of the Liquor Code or this subchapter the Board may refuse or revoke certification. If certification is revoked, the Board will not consider application for recertification until 1 year has passed from the date of revocation. Appeals shall be as set forth in 2 Pa.C.S. § 702 (relating to appeals).

(c) The Office of Administrative Law Judge will take administrative notice of the Board's records with regard to questions of certification.

[Pa.B. Doc. No. 02-2057. Filed for public inspection November 15, 2002, 9:00 a.m.]

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Continuing Education

The State Board of Nursing (Board) proposes to add §§ 21.332—21.337 to read as set forth in Annex A. Sections 21.332—21.337 detail the requirements of continuing education for certified registered nurse practitioners (CRNPs) who are approved to prescribe and dispense drugs in accordance with § 21.283(3) (relating to prescribing and dispensing drugs)

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The proposed rulemaking is authorized under section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)).

#### *Background and Need for the Proposed Rulemaking*

On November 17, 2000, the Board and the State Board of Medicine jointly promulgated § 21.283 granting prescriptive authority to CRNPs. Section 21.283(3) provides that "[a] CRNP who has prescriptive authority shall complete at least 16 hours of State Board of Nursing approved continuing education in pharmacology in the 2 years prior to the biennial renewal date of the CRNP certification. The CRNP shall show proof that the CRNP completed the continuing education when submitting a biennial renewal."

Because the Board was designated to approve the continuing education, joint promulgation of the proposed rulemaking is not required. The Board proposes the rulemaking detailing the connection between certification of CRNPs and their completion of continuing education and explaining the processes for submission of proof of completion and approval of programs, courses and providers.

#### *Description of Proposed Rulemaking*

Section 21.332 (relating to requirement of continuing education) sets forth the regulatory authority for the continuing education requirement and would provide that CRNPs who are on inactive status need not complete the continuing education requirements except for the biennial period immediately preceding a request for reactivation to active status. In addition, if a CRNP's prescriptive authority has been in inactive status for 3 years or longer, prescriptive authority would only be reactivated by completing the requirements of § 21.283(2) or by demonstrating that the person has been practicing with prescriptive authority in another jurisdiction for at least 1 of those 3 years. The other jurisdiction must have requirements for initial approval and continuing education at least equivalent to those in this Commonwealth and the continuing education must have been completed within the last year.

The proposed rulemaking also provides that CRNPs who fail to meet the continuing education requirements may be subject to discipline. Finally, the proposed rulemaking provides that the Board may waive the requirements in cases of certified illness or undue hardship.

Section 21.333 (relating to continuing education subject matter) specifies the subject matter that will meet the requirement in the jointly promulgated regulation that CRNPs complete 16 hours in pharmacology. Section 21.333 provides that pharmacology courses must provide CRNPs with the knowledge and skills to understand the pharmacokinetics and pharmacodynamics of broad drug categories and to analyze the relationship between pharmacologic agents and physiologic/pathologic responses.

Section 21.334(a) (relating to sources of continuing education) contains a list of providers the Board has determined qualify for approval for all continuing education courses they offer. These providers will only be preapproved, however, if they agree to comply with § 21.334(c), which requires the provider to provide CRNPs who complete a course with a certificate of completion that complies with § 21.337(a) (relating to CRNP responsibilities) and agree to maintain records of course attendance for a minimum of 5 years. The section provides for credit for courses offered by other providers if the course is preapproved by the Board. In addition, CRNPs may apply on an individual basis, prior to attendance at a course, for approval for that course. Finally, the proposed rulemaking provides essential details regarding the continuing education requirement, such as granting up to 4 hours credit for serving in a teaching capacity, defining an hour as 50 clock minutes and providing that the Board will determine the number of hours approved for each course that is individually approved by the Board.

Section 21.335 (relating to requirements for courses) sets forth the standards that all courses must meet. Every course must have an established mechanism to measure the quality of the course, have established criteria for selecting and evaluating faculty, have established criteria for the evaluation of each participant who completes the course, provide adequate facilities and instructional materials and be offered by instructors who have suitable qualifications. The qualifications of instructors are further addressed in § 21.336(c) (relating to continuing education course approval).

Section 21.336 sets forth the procedure for approval of continuing education courses offered by providers who are not on the list of preapproved providers in § 21.334.

Section 21.337 lists the responsibilities of CRNPs in maintaining documentation of their completion of required continuing education, places the onus on CRNPs to document their completion of continuing education and provides that falsification of the documentation or prescribing or dispensing drugs without completing the requirements of § 21.332 may result in the withdrawal of prescriptive authority approval, the suspension or revocation of certification as a CRNP, the suspension or revocation of any nursing license and the imposition of a civil penalty.

The Board received four comments when it sent the proposed rulemaking to nursing organizations for predraft comment. The Pennsylvania Coalition of Nurse Practitioners (Coalition) commented that it found the draft proposed rulemaking "to be equitable and consistent with the current rules for prescribing CRNPs . . . [and]

consistent with those of other states." The Coalition noted that the Board might want to address its turnaround time for approving courses under § 21.334. The Board will not set a specific turnaround time in the proposed rulemaking. However, the Board notes that it will appoint a committee to meet monthly and review requests for course approval. The committee will then make a recommendation to the Board on whether to approve the course, reject the course or ask the provider for additional information. As the requests for approval will be reviewed on a monthly basis, the Board anticipates the approval process will proceed in a timely fashion.

The Albert Einstein Medical Center commented that the draft proposed rulemaking "[i]n general is very clear and complete." The Albert Einstein Medical Center suggested that the list of preapproved providers be expanded to include CRNP programs accredited by state boards of nursing in surrounding states. The list of preapproved providers already includes National associations and National credentialing organizations, which are likely to sponsor continuing education programs offered in multiple states. Therefore, the Board does not believe it is necessary to preapprove courses approved by other state boards.

The Pennsylvania State Nurses Association (Association) commented that, overall, it supported the draft proposed rulemaking. The Association made four specific comments. First, the Association noted that the American Nurses Credentialing Center (ANCC) did not "offer" courses because it merely credentialed courses, and suggested the language of § 21.334(a) reflect that some of the preapproved providers were actually providers and others were credentialing organizations. The Board adopted this suggestion. Second, the Association commented that the procedure for CRNPs to obtain approval for up to 4 hours for service as a teacher, speaker and the like, seemed "cumbersome for individuals and the State Board of Nursing" and suggested that the CRNPs simply submit documentation of the 4 hours at the same time they submitted their total of 16 hours at biennial renewal. The Board declines to adopt this suggestion. The proposed rulemaking requires that CRNPs who wish to receive up to 4 credits for this service apply to the Board for approval and that the Board may determine the number of credits it will grant for the service. To permit CRNPs to simply assume that their service would receive credit, and credit for 4 hours, would do a disservice to the CRNP who might find, after the biennial period had expired, that the Board would not accept 4 credits for the CRNP's teaching service. Third, the Association noted that the Board had failed to define an "hour." The Board addressed this issue in § 21.334 by defining an hour as 50 minutes. This is the time period used by the ANCC and most universities. Fourth, the Association asked whether CRNPs who had been on inactive status for 3 years or longer could reactivate their certification to prescribe by taking 45 hours of continuing education. The Board clarified the language in § 21.332(a)(2) to reference the 45-hour course required for initial certification in § 21.283(2), which requires the 45 hours to be taken in an approved CRNP education program or, if outside the program, in a program or programs approved by the Board and the State Board of Medicine. It is unlikely that a continuing education course would be approved for 45 hours; however, if a course met the requirements of the initial credentialing course, the Board and the State Board of Medicine could approve the course.

Finally, the Board received comments from an individual CRNP who raised four concerns. First, the CRNP

inquired why an individual who wished to reactivate a license had to complete 16 hours of continuing education within 1 year prior to the request to reactivate when CRNPs with active licenses have 2 years to complete the 16 hour biennial requirement. The Board purposefully made this distinction to reflect the fact that CRNPs in active practice are continuously learning and updating their knowledge while CRNPs on inactive or retired status do not have the educational benefit of being in active practice. Second, the CRNP noted a typographical error that has been corrected. Third, the CRNP commented that there should be additions made to the list of preapproved continuing education providers and credentialing organizations. The Board finds that its list already includes the major providers and organizations and believes other providers have been given a feasible method for obtaining Board approval. Fourth, the CRNP was concerned that the Board would not have time to approve individual courses submitted by a CRNP. The Board will appoint a committee to meet monthly and review requests for continuing education credit. The Board is confident that CRNPs can submit their requests in advance of the program being offered and the Board will have time to act on requests that are timely submitted.

*Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"*

The Board sent this proposed rulemaking to numerous nursing associations and hospital systems as required under the directives of Executive Order 1996-1. These organizations were: American Association of Neuroscience Nurses, Emergency Nurses Association, GPC—Oncology Nursing Society, The Hospital and Healthsystem Association of Pennsylvania, Intravenous Nurse Society, Licensed Practical Nurses Association of Pennsylvania, Pennsylvania Association of Home Health Agencies, Pennsylvania Association of Private School Administrators, Pennsylvania Association of Non-Profit Homes for the Aging, Pennsylvania Association of Nurse Anesthetists, Pennsylvania Association of Practical Nursing Program Administrators, Pennsylvania Coalition of Nurse Practitioners, Pennsylvania College of Associate Degree Nursing, Pennsylvania Council of Operating Room Nurses, Pennsylvania Department of Health—Bureau of CH Systems, Pennsylvania Health Care Association, Pennsylvania Higher Education Nursing Schools Association, Pennsylvania League for Nursing, Inc., Pennsylvania Organization of Nurse Leaders, Pennsylvania Society of Gastroenterology Nurses and Associates, Pennsylvania State Nurses Association, School Nurse Section, Southwestern Pennsylvania Organization for Nurse Leaders, Pennsylvania Medical Society, Nurses of Pennsylvania, Pennsylvania Association of School Nurses and Practitioners, Pennsylvania Nurses Association and Professional Nursing Resources, Inc. In addition, the Board considered the impact the proposed rulemaking would have on the regulated community and on public safety and welfare. The Board finds that the proposed rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 31, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, [www.dos.state.pa.us](http://www.dos.state.pa.us), within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

K. STEPHEN ANDERSON, CRNA,  
Chairperson

**Fiscal Note:** 16A-5117. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**CONTINUING EDUCATION**

**§ 21.332. Requirement of continuing education.**

(a) A certified registered nurse practitioner approved to prescribe and dispense drugs under §§ 21.283—21.287 and §§ 18.53—18.57 shall comply with this section and §§ 21.333—21.337.

(1) An individual who places his license and certification on inactive status, or who notifies the Board that all collaborative agreements have expired, is not required to meet the continuing education requirements as outlined in this section and §§ 21.333—21.337, except to the extent that, upon application for reactivation of the license and certification and authorization to prescribe and dispense, the individual shall be required to show proof of continuing education for the biennial period

immediately preceding the request for reactivation of the certification and authority to prescribe and dispense drugs.

(2) An individual whose prescriptive authority approval has been in an inactive status for 3 years or longer may reactivate the prescriptive authority approval by meeting one of the following conditions:

(i) Complete the requirement in § 21.283(2) (relating to prescribing and dispensing drugs) by taking at least 45 hours of course work in advanced pharmacology.

(ii) Provide evidence to the Board that the applicant has practiced as a certified registered nurse practitioner with prescriptive authority in another jurisdiction which prescriptive authority is equivalent to that in this Commonwealth for at least 1 of the last 3 years, and, as a condition for continued practice in that jurisdiction, has completed continuing education that is substantially equivalent to the requirements of § 21.283(3), within 1 year prior to the request for reactivation of prescriptive authority.

(b) Continuing education requirements shall be completed each biennial cycle.

(1) An applicant for biennial renewal or reactivation of prescriptive authority approval is required to complete, during the 2 years preceding renewal or reactivation, a minimum of 16 hours of continuing education in pharmacology. Completion of a course described in § 21.283(2) shall satisfy the continuing education requirement for the biennial renewal period in which it is completed.

(2) A person failing to meet the continuing education requirements for a biennial renewal period will have his prescriptive authority approval withdrawn and will be prohibited from prescribing and dispensing drugs until the educational criteria are met, prescriptive authority approval is renewed and any fees and penalties are properly paid.

(3) The Board may waive the requirements of continuing education in cases of illness or undue hardship. It is the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The Board will grant, deny, or grant in part the request for waiver. An individual who requests a waiver may not prescribe or dispense drugs after the expiration of his current prescriptive authority and until the Board grants the waiver request.

#### § 21.333. Continuing education subject matter.

Pharmacology continuing education courses shall provide the knowledge and skills to understand the pharmacokinetics and pharmacodynamics of broad categories of drugs and to analyze the relationship between pharmacologic agents and physiologic/pathologic responses.

#### § 21.334. Sources of continuing education.

(a) As a condition of approval, providers and credentialing organizations are required to provide CRNPs who complete continuing education courses with a certificate of completion which contains the information in § 21.337(a) (relating to CRNP responsibilities). Providers and credentialing organizations shall maintain records of course attendance for at least 5 years.

(b) The Board finds that the following providers of continuing education and credentialing organizations have currently met the standards for course approval for pharmacology continuing education.

(1) Accordingly, provided that these providers agree to abide by subsection (a), the courses offered or approved by the following providers or credentialing organizations are approved:

(i) Board-approved CRNP programs.

(ii) The American Nurses Credentialing Center's Commission on Accreditation (ANCC).

(iii) The American Academy of Nurse Practitioners (AANP).

(iv) The National Association of Pediatric Nurse Practitioners (NAPNP).

(v) The American Medical Association (AMA).

(2) The approval given to the providers and credentialing organizations in paragraph (1) is subject to reevaluation. A rescission of provider or credentialing organization approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) or by amendment of this section.

(c) CRNPs may obtain credit for courses offered by providers not indicated in subsection (b)(1) if the provider receives approval of the course under § 21.336 (relating to continuing education course approval) prior to its implementation.

(d) CRNPs may obtain credit for continuing education hours on an individual basis if the CRNP, prior to attendance at the course, obtains Board approval by submitting a request for course approval and supporting documentation listed in § 21.336(a).

(e) CRNPs may obtain credit for correspondence courses, taped study courses and other independent study courses if the course is Board approved.

(f) Up to 4 hours will be credited for service as a teacher, preceptor, lecturer or speaker and for publication in a refereed journal or other scholarly publication relating to pharmacology. Application shall be made prior to the service or within 90 days of the publication to assure that the Board will approve the service or publication and to allow the Board to determine the number of contact hours that will be granted.

(g) An hour for purposes of nurse practitioner continuing education is 50 minutes.

#### § 21.335. Requirements for courses.

Each course shall have:

(1) An established mechanism to measure its quality, established criteria for selecting and evaluating faculty and established criteria for the evaluation of each participant who completes the course.

(2) Adequate facilities with appropriate instructional materials to carry out continuing education programs.

(3) Instructors who have suitable qualifications as detailed in § 21.336(c) (relating to continuing education course approval).

#### § 21.336. Continuing education course approval.

(a) Providers referenced in § 21.334(c) (relating to sources of continuing education) or CRNPs applying for individual approval in § 21.334(d), when seeking Board approval of a continuing education course shall pay the required fee (see § 21.253 (relating to fees)) and complete and submit an application for course approval, which shall include the following information:

(1) Full name and address of the provider.

(2) Title of the program.

- (3) Dates and location of the program.
- (4) Faculty names, titles, affiliations, degrees and areas of expertise.
- (5) Schedule of program—title of subject, lecturer and time allocated.
- (6) Total number of hours requested.
- (7) Method of certifying and assuring attendance, and draft of certificate of attendance to be provided to course participants.
- (8) Course objectives.
- (9) Target audience.
- (10) Core subjects.
- (11) Program coordinator.
- (12) Instruction and evaluation methods.
- (13) Other information requested by the Board.

(b) Upon approval of a course, the Board will assign a course number and determine the number of hours awarded. The provider shall place the course number on the certificate of attendance and shall provide CRNPs who successfully complete a course with a certificate of attendance.

(c) Courses will be approved only in the instructor's demonstrated areas of expertise. Expertise may be demonstrated by the instructor's certification in the specialty area to be presented.

(d) A separate application shall be submitted whenever a change is made to any information submitted under subsection (a), except for information related to a change in date or location, or both, of the program submitted under subsection (a)(3).

**§ 21.337. CRNP responsibilities.**

- (a) A CRNP with prescriptive authority is required to

maintain documentation of completion of continuing education, including:

- (1) CRNP name.
- (2) Dates attended.
- (3) Continuing education hours.
- (4) Title of course.
- (5) Course provider.
- (6) Location of course.
- (7) Course number.

(b) Primary responsibility for documenting completion of the continuing education requirements rests with the CRNP. Documentation shall be submitted with the biennial renewal application by those CRNPs with prescriptive authority seeking to renew their prescriptive authority. The evidence to support fulfillment of those requirements shall be maintained for 5 years after the completion of educational courses. The certificate issued by the course provider under § 21.334(b), (c) or (e) (relating to sources of continuing education) shall be acceptable documentation. Acceptable documentation of hours obtained through § 21.334(d) or (f) shall be the Board approval letter sent to the applicant.

(c) Falsification of information required under this section or failure to complete the requirements of § 21.332 (relating to requirement of continuing education) by those who continue to prescribe, may result in the withdrawal of prescriptive authority, the suspension or revocation of certification as a nurse practitioner, the suspension or revocation of any nursing license held by the licensee, and the imposition of a civil penalty.

[Pa.B. Doc. No. 02-2058. Filed for public inspection November 15, 2002, 9:00 a.m.]

# NOTICES

## 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 November 5, 2002.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-1-02	Berkshire Financial Holdings, Inc., Collegetown, to acquire 100% of the voting shares of USABancShares.com, Inc., Philadelphia	Collegetown	Effective

##### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-02	Keystone Savings Bank Bethlehem Northampton County  Application represents reorganization into a mutual holding company to be known as "Keystone Mutual Holding Company."	Bethlehem	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-02	First American Bank of Pennsylvania Everett Bedford County	24 N. Cedar Street Lititz Lancaster County	Opened
11-4-02	First Columbia Bank & Trust Company Bloomsburg Columbia County	Route 93 and Dessen Drive Hazleton Luzerne County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-12-02	Sharon Savings Bank Darby Delaware County	<i>To:</i> 420 Bainbridge St. Philadelphia Philadelphia County  <i>From:</i> 1730 Snyder Ave. Philadelphia Philadelphia County	Effective
11-1-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 4110 Brownsville Rd. Pittsburgh Allegheny County  <i>From:</i> 4148 Brownsville Rd. Pittsburgh Allegheny County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-02	Pittsburgh Savings Bank Pittsburgh Allegheny County	5001 Library Road Bethel Park Allegheny County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-1-02	vBank, A Savings Bank Philadelphia Philadelphia County	Amendment to Article First provides for a change in corporate title from "vBank, A Savings Bank" to "NOVA Savings Bank"	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-1-02	Pennsylvania State Employees Credit Union, Harrisburg, and Indiana County PA School Employees Federal Credit Union, Indiana Surviving Institution— Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Effective

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 02-2059. Filed for public inspection November 15, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Cyber Charter Schools Application Hearing

The Department of Education (Department) has scheduled a public hearing regarding the five cyber charter school applications that it has received by the statutory deadline of October 1, 2002. The hearing will be held on December 16, 2002, at 9 a.m. in the Honors Suite, 333 Market Street, Harrisburg, PA. The hearing may continue on December 17, 2002, at 9 a.m. in Heritage Room B, 333 Market Street, Harrisburg, PA, depending on the number of individuals who advise the Department that they wish to provide verbal comments at the hearing. The hearing pertains to the five cyber charter applicants seeking to operate cyber charter schools beginning in the 2003-2004 school year. The purpose of the hearing is to receive information from the applicants about the proposed cyber charter schools and to receive comments from interested persons regarding the applications. The proposed cyber charter schools are Achievement House Charter School, PA Leadership Charter School, PA Distance and Electronic Learning Academy Charter School, Millennium Cyber Charter School and Commonwealth Connections Academy Charter School. The cyber charter school applications can be viewed on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us).

Each charter applicant will have 30 minutes to present information about the proposed school. Individuals who wish to provide comments at the hearing must send the Department and the respective applicant a copy of the comments by December 6, 2002. Failure to comply with this deadline will preclude the respective individual from providing verbal comments at the hearing. Verbal comments may be limited based on the number of individuals requesting time to provide comments and may also be limited if the comments are duplicative or repetitive of other individual's comments. The hearing will be con-

ducted by a panel of individuals who have reviewed the applications. The panel members may question the applicants regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicants or the panel members.

Individuals who are unable to attend the hearing may also provide the Department and the respective applicant with written comments by December 13, 2002. Written comments provided to the Department by this deadline will become part of the certified record.

Comments should be sent to Betsy Becker, Bureau of Performance Accountability and Reporting, 333 Market Street, 9th Floor, Harrisburg, PA 17126.

An agenda will be prepared after December 6, 2002, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. The agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Individuals wanting a copy of the agenda should contact Betsy Becker, (717) 705-0930.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-2060. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Individuals with Disabilities Education Act—Part B Grant Application Approval

The Department of Education grant application under the Individuals with Disabilities Education Act—Part B has been amended and approved by the United States Department of Education. The amendments have been disseminated to local school districts, intermediate units and the Pennsylvania Training and Technical Assistance

Network centers and are available for public inspection. Current policies and procedures are available for viewing at [www.pattan.k12.pa.us](http://www.pattan.k12.pa.us) (see "Federal and PA Special Education Laws and Regulations").

tion, 333 Market Street, 7th Floor, Harrisburg, PA 17126, (717) 783-6876, TTY (717) 787-7367).

CHARLES B. ZOGBY,  
Secretary

[Pa.B. Doc. No. 02-2061. Filed for public inspection November 15, 2002, 9:00 a.m.]

Persons who require this information in an alternate format should contact Jill Deitrich, Department of Educa-

# 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 new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. Oil and Gas Related permit applications are listed under Section III. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0057207	William B. Smith P. O. Box 105 1429 Salford Street Salford, PA 18957-0105	Montgomery County Upper Salford Township	UNT to Perkiomen Creek	Y

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

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

**No. PA0042927**, Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This application is for renewal of an NPDES permit to discharge treated sewage from Owen Roberts School District's Main Campus STP in South Coventry Township, **Chester County**. This is an existing discharge to an unnamed tributary to French Creek.

The receiving stream is classified for EV, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.039 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)	10	20
Total Residual Chlorine	Not Detectable	Not Detectable
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 4.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

**No. PA0052272**, Industrial Waste, **Henry Company**, 336 Cold Stream Road, Kimberton, PA 19442-0368. This application is for renewal/amendment of an NPDES permit to discharge treated groundwater and stormwater from the facility in East Pikeland Township, **Chester County**. This is an existing discharge to unnamed tributary to French Creek.

The receiving stream is classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 9,000 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene (Influent)	Monitor and Report	Monitor and Report	Monitor and Report
(Effluent)	0.001	0.002	0.0025
Temperature	110°F		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 009, for stormwater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Annual Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor and Report		
Phenols	Monitor and Report		
Dissolved Iron	Monitor and Report		

**PA0011622**, Industrial Waste, **Exelon Generating Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This application is for renewal of a NPDES permit to discharge treated process wastewater, noncontact cooling water and stormwater from Delaware Generating station located on Beach Street in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware River—Zone 3.

The receiving stream is classified for WWF (maintenance only) and migratory fish (passage only).

The proposed effluent limits for Outfall 001, based on an average flow of 3,000 gallons per day from steam tracing drips and yard stormwater are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
Temperature	110°F	
pH (STD Units)	6.0	9.0

The proposed effluent limits for Outfall 002, based on an average flow of 161,000 gallons per day from industrial wastewater treatment plant are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	125
Total Dissolved Solids	2,500	3,500	5,000
Oil and Grease	15	20	30

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron, Total	Monitor and Report	Monitor and Report	
Copper, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
pH	Within limits of 6.0—9.0 Standard Units at all times		

The discharge through Outfall 003 shall consist solely of traveling screen backwash. No monitoring require.

The proposed effluent limits for Outfall 004, based on an average flow of 2.03 million gallons per day from fan and equipment coolings are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 005, based on an average flow of 142,000 gallons per day from fan cooling, emergency shower and city water tank overflow are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 006, based on an average flow of 254 million gallons per day from condenser cooling are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Oxidant	0.2	0.5
Temperature		110°F
pH	Within limits of 6.0—9.0 Standard Units at all times	

The proposed effluent limits for Outfall 009, based on an average flow of 30,000 gallons per day from auxiliary boiler cooling, pump cooling and river water seepage are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
Total Suspended Solids	30	100	125
Oil and Grease	15	20	30
Copper, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
Iron, Total	Monitor and Report	Monitor and Report	
pH	Within limits of 6.0—9.0 Standard Units at all times		

The discharge through Outfalls 007, 008 and 011—015 shall consist solely of stormwater runoff. The proposed effluent limits for these outfalls are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report

Monitoring for Outfalls 007 and 008 shall be performed at catch basins. Monitoring of Outfalls 011—015 are not required.

Other Conditions: No discharge of PCB compounds; thermal impact of Discharges 001, 004—006 and 009 upon Delaware Estuary—Zone 3; thermal mixing zone requirements; chemical additives requirements; and special test methods for certain pollutants.

The EPA Waiver is not in effect.

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

**PA0012505**, Industrial, SIC 3241, **LaFarge North American**, 5160 Main Street, Whitehall, PA 18052. This proposed facility is located in Whitehall Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge noncontact cooling water and stormwater.

The receiving stream, Lehigh River, is in the State Water Plan watershed no. 2B and is classified for TSF.

The proposed effluent limits are as follows:

*Outfall 001—Flow 2.41 MGD*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	50	50
pH		6.0 to 9.0 at all times	

*Outfall 002—Flow 0.805 MGD*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	50	50
pH		6.0 to 9.0 at all times	

The EPA Waiver is in effect.

**PA0052591**, Sewage, **Walnutport Mobile Home Park**, 901 South Best Avenue, Route 145, Walnutport, PA 18088-1218. This proposed facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, Bertsch Creek, is in the State Water Plan watershed no. 2C and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Northampton Water Supply is located on Lehigh River, approximately 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.050 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total 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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

**PA0070203**, Sewage, **Craftex Mills, Inc.**, 2100 Market Street, Auburn, PA 17922. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, Pine Creek, is in the State Water Plan watershed no. 3A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Water Authority is located on Schuylkill River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total 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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

**PA0061221**, Sewage, **Elk Lake School District**, P. O. Box 100, Dimock, PA 18816. This proposed facility is located in Dimock Township, **Susquehanna County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, West Creek, is in the State Water Plan watershed no. 4G and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna River, approximately 90 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0234.

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		
Dissolved Oxygen	A minimum of 4 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.4		1

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

**PA0026981**, Sewage, **Sanitary Authority of Duquesne**, 12 Second Street, Duquesne, PA 15110. This application is for renewal of an NPDES permit to discharge treated sewage from the City of Duquesne Sewage Treatment Plant in the City of Duquesne, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Thompson 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 Western Pennsylvania Water Company.

Outfall 001: existing discharge, design flow of 2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	30,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0098761**, Sewage, **NWL Company**, 1001 LaFayette Drive, Farmington, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from Nemaquin Woodlands Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Deadman Run, which are classified as an HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

Outfall 001: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.2		3.0
(11-1 to 4-30)	2.5	3.7		5.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Phosphorus	1.0	1.5		2.0
Nitrite/Nitrate	10	15		20
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			
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Aluminum	0.07		0.14	0.18
Manganese	0.07		0.14	0.18
Total Iron	0.29		0.58	0.73

The EPA waiver is in effect.

**PA0217646**, Sewage, **Dunbar Borough/Township Sanitary Authority**, 93 Connellsville Street, Dunbar, PA 15431. This application is for renewal of an NPDES permit to discharge treated sewage from the Dunbar Borough/Township Sanitary Authority STP in Dunbar Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunbar 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 Westmoreland County Municipal Authority, McKeesport Plant on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.3 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
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)	3,500/100 ml as a geometric mean			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219347**, Sewage, **Patricia Iams**, 4124 Elrama Road, Finleyville, PA 15332. This application is for issuance of an NPDES permit to discharge treated sewage from the Iams Property in Union Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lobbs 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 Pennsylvania American Water Company—Pittsburgh.

*Outfall 001*: new discharge, design flow of 0.0008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	20			40
Ammonia Nitrogen	3.0			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	Monitor and Report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### III. Applications for New and Renewal Permits, Oil and Gas Activities

*Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA0091472**, Industrial Waste, SIC: 1211 and 1389, **Tunnelton Liquids Company**, 1390 E. Main Street, Suite 2, P. O. Box 667, Clarion, PA 16214. This proposed facility is located in Conemaugh Township, **Indiana County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated industrial wastewater. This is an existing discharge to Conemaugh River.

The receiving stream is classified for WWF, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics. For the purpose of evaluating effluent requirements for TDS, chloride and phenolics, the existing downstream water supply considered during the evaluation is located in Freeport, approximately 33.2 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001, based on a maximum discharge rate of 1.0 mgd are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		1.0	
Total Iron (mg/l)	3.5		7.0
Manganese (mg/l)	2.0		4.0
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	Monitor only		
Alkalinity (mg/l)	Greater than acidity		
pH	6 to 9.5 at all times		
TDS (lbs/day)	Monitor only		
Chloride (mg/l)	Monitor only		

Other Conditions: This permit will limit the amount of oil and gas fluids treated by the plant to 100,000 gpd and the discharge from Outfall 001 shall cease when the flow of the Conemaugh River is below 190 cfs.

The proposed discharge limits for Outfalls 002—004 are:

This discharge shall consist solely of uncontaminated stormwater runoff.

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

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

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

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

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

**WQM Permit No. 4602413**, Sewerage, **East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401-1616. This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pumping station to replace the existing Sandra Lane Pump Station.

**WQM Permit No. 4602414**, Sewerage, **Michael J. Strocko**, 422 Grand Street, Middleburg, PA 17842. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment plant to serve a single-family residence.

**WQM Permit No. 0902410**, Sewerage, **Keelersville Club**, 2522 Ridge Road, Perkaspie, PA 18944. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment plant to serve the Keelersville Social Club.

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

**WQM Permit No. 5302402**, Sewerage, **Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. These proposed facilities will be located in Galeton Borough, **Potter County**.

Description of Proposed Action/Activity: The Authority plans to upgrade the wastewater treatment plant with a new chlorine contact tank (replacing the two existing tanks), a flow meter at the chlorine contact tank, a new automatic chlorine rate control valve, an automatic chlorination/dechlorination controller and a separate dechlorination contact tank. Also proposed is improvement of plant headworks facilities to include a mechanically cleaned bar screen system.

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

**Application No. 468S45-A1**, Sewerage, **West Greene School District**, 1367 Hargas Creek Road, Waynesburg, PA 15370. Application for the Construction and Modification of the Graysville Elementary School Sewerage Treatment Plant in Gray Township, **Greene County**.

**Application No. 5602406**, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. Application for the construction and operation of a sewerage extension and pump station to serve the Somerset Crossings Development in Somerset Township, **Somerset 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 (De-

partment) 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.

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

*Berks County Conservation District, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533; (610) 372-4657.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10C054	Mark Hassler 1681 Schubert Road Bethel, PA 19507	Rockland Township Berks County	Bieber Creek EV

*Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013; (717) 240-7812.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10H099	Residential Homes Co. 139 W. High St. Carlisle, PA 17013	S. Middleton Township Cumberland County	Letort Spring Run EV

*Franklin County Conservation District, Admin. Annex, 218 N. 2nd Street, Chambersburg, PA 17201; (717) 264-8074.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10M112	Department of Transportation District 8-0 Larry Groeff 2140 Herr Street Harrisburg, PA 17103	Guilford Township Franklin County	Falling Spring Branch HQ-CWF

*Fulton County Conservation District, 216 N. Second Street, McConnellsburg, PA 17233; (717) 485-3547.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS102808	James Kint Kin-Du Farms 6995 S. Vly. Rd. Crystal Springs, PA 15636	Brush Creek Township Fulton County	Little Brush Creek HQ-CWF

*Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601; (717) 299-5361.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10O087	Earl Shirk 1547 Oregon Pike Lancaster, PA 17601	Adamstown Borough Lancaster County	Little Muddy Creek WWF

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 1502508, Public Water Supply.**

Applicant	<b>North Coventry Water Authority</b>
Township	North Coventry
Responsible Official	Dennis B. Hullmann 845 S. Hanover Street P. O. Box 394 Pottstown, PA 19464
Type of Facility	PWS
Consulting Engineer	Spotts, Steven and McCoy, Inc. 345 N. Wyomissing Boulevard Reading, PA 19610
Application Received Date	October 30, 2002
Description of Action	Permitting of a public water system being operated by North Coventry Water Authority.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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, 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.*

**West Chester Office Plaza**, West Goshen Township, **Chester County**. Elizabeth Schamberger, Synergy Environmental, Inc., 607 Washington St., Reading, PA 19601, on behalf of Bruce Tahsler, High V Limited Partnership, 1853 William Penn Way, P. O. Box 10008, Lancaster, PA 17605, has submitted a Notice of Intent to Remediate soil contaminated with PCB. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on October 16, 2002.

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

**Electro Chemical Engineering and Manufacturing Company and Impress Industries Parcel**, Borough of Emmaus, **Northampton County**. Stephen B. Fulton, P. E., P. G., Project Manager, ARM Group, Inc., 1129 W. Governor Road, P. O. Box 797, Hershey, PA 17033-0797 submitted a Notice of Intent to Remediate (on behalf of Electro Chemical Engineering and Manufacturing Company, 750 Broad Street, P. O. Box 509, Emmaus, PA 18049) concerning the remediation of site soils found to have been contaminated with chlorinated solvents, no. 6 fuel oil, lead and polycyclic aromatic hydrocarbons. The applicant proposes to meet a combination of the nonresidential Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reportedly published in the *Morning Call* on October 22, 2002.

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

**Washington Penn Plastic Co. Inc.**, Washington, **Washington County**. Dan Hall, BMS Environmental Inc., P. O. Box 59, 3037 School Street, Claridge, PA 15623 (on behalf of Jeff Meace, Washington Penn Plastic Co. Inc., 2080 North Main Street, Washington, PA 15301 and Ed McCabe, McCabe Engineering/Contracting Inc., 3470 Brecksville Road, Richfield, OH 44286) has submitted a Notice of Intent to Remediate groundwater contaminated with lead. 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 *Tribune Review* on September 25, 2002.

**Sterling Packaging Corporation (Former)**, City of Jeannette, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 (on behalf of Kenneth B. Schulman, Jeannette Packaging, 108 Main Street, Norwalk, CT 06851 and Todd D. Brice, S&T Bank, 800 Philadelphia Street, Indiana, PA 15701) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Inorganics and Chlorinated Solvents. The applicant proposes to remediate the site to meet the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Reporter* on October 28, 2002.

**Ewing's Mill**, Buffington Township, **Indiana County**. Keith Cessna, McCutcheon Enterprises, Inc., 250 Park Road, Apollo, PA 15613 (on behalf of Thomas Rivosecchi, Simpson, Kablack, & Bell, 834 Philadelphia Street, Indiana, PA 15701) has submitted a Notice of Intent to

Remediate soil contaminated with Fuel Oil Nos. 4—6 and Pennzoil Brightstock, a heavy lubricating oil. 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 *Indiana Gazette* on October 28, 2002.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability Accepted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**General Permit Application No. WMGR038SE005. Steffa Metals Co. Inc.**, 2180 Church St., Philadelphia, PA 19124. Application submitted for the beneficial use of waste tires as a component in a civil engineering practice (construction of a wall) at the Steffa Metals site in the City of Philadelphia. No processing is involved in this request. The application for determination of applicability was determined to be administratively complete by the Southeast Regional Office on October 29, 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.**

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

**48-309-122: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for installation of an air cleaning device to control emissions from the no. 3 raw mill sweep and separator systems at the Nazareth II Plant in Nazareth Borough, **Northampton County**.

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

**06-03089A: Reading Materials, Inc.** (P. O. Box 79, Skippack, PA 19474) for construction of a nonmetallic mineral bagging operation in Douglass Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for New Stationary Sources.

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

**14-313-041A: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) for modification of existing chemical processing equipment to produce a different product (ROC7-2000) in College Township, **Centre County**.

**08-399-003E: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) for installation of an air cleaning device (an eductor/venturi/packed tower scrubber system) on two molybdenum pentachloride chemical reactors in North Towanda Township, **Bradford County**.

**41-00005B: Lycoming Engines, a Division of Avco Corp.** (652 Oliver Street, Williamsport, PA 17701) for installation of an air cleaning device (a thermal oxidizer) on three existing aircraft engine parts nitriding (case hardening) furnaces in the City of Williamsport, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**11-00507A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for installation and operation of coal processing and coal loading at Twin Rocks Coal Processing Facility in Blacklick Township, **Cambria County**.

**11-00506A: Ebensburg Power Co.** (P. O. Box 845, 2840 New Germany Road, Ebensburg, PA 15931) for installation of refuse pile at Nanty Glo West Refuse Site in Nanty Glo Borough, **Cambria County**.

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

**42-197B: M and M Royalty, Ltd.** (Forestry Road 307, Lewis Run, PA 16738) for construction of two compressor engines (384 and 187 HP) at the gas stripping plant in Lafayette Township, **McKean County**.

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**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.**

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

**PA-15-0022: Columbia Gas Transmission Corp.** (310 Fellowship Road, West Vincent Township, Chester County) for modification of permitted emissions level to increase permitted emission by 20 % for NOx and VOC for three I. C. Engines at Eagle Compressor Station in West Vincent Township, **Chester County**. This facility is a Major for NOx and VOC. Emissions from this source are 22.5 tons of VOCs and 45.2 tons of NOx per year. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**07-05031A: Union Tank Car Co.** (P. O. Box 2003, Altoona, PA 16602-2003) to replace an existing fabric collector with two fabric collectors controlling particulate from the railcar sandblast operation in the City of Altoona, **Blair County**.

**36-05073A: Bollman Hat Co.** (110 East Main Street, Adamstown, PA 19501) for relocation of a straw hat dipping and drying operation from the company's Willow Street plant to its Main Street plant. Both plants are in Adamstown Borough, **Lancaster County** and emissions from the relocated equipment will not change appreciably.

**38-03014A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for installation of a limestone transfer tower and several conveyors at the Millard Quarry in North Londonderry Township, **Lebanon County**. These sources will be controlled by the existing wet suppression system and potential particulate matter emissions will increase by around 10 tons per year. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**18-00009A: Clinton County Solid Waste Authority** (P. O. Box 209, SR 1005, Landfill Lane, McElhattan, PA 17748-0209) for construction of a landfill gas-fired flare at their landfill in Wayne Township, **Clinton County**. The landfill has been issued a Title V operating permit (No. 18-00009).

The proposed flare will replace an existing landfill gas-fired flare currently permitted at the facility. The proposed flare is expected to result in emissions of 16.3 tons of NOx, 88.5 tons of carbon monoxide, 0.49 ton of VOCs and 1.66 tons of hydrogen chloride per year. Hydrogen chloride is a hazardous air pollutant; 0.10 ton of the total VOCs to be emitted per year are also expected to be hazardous air pollutants.

The Department has determined that the proposed flare will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the construction of the respective flare provided that all other affected programs within the Department are also prepared to issue other Department permits or approvals that may be required for the respective project.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The flare shall meet the following criteria:

- The flare shall be equipped with a "natural gas enrichment system" to allow natural gas to be bled into the landfill gas to enhance its heat content.
- The flare shall be equipped with a continuous pilot ignition source using natural gas as fuel.
- The flare shall be equipped with instrumentation to measure and record landfill gas flow rate to the flare at a minimum of 15 minute intervals.
- The flare shall be equipped with a low fire burner assembly to fire at gas flow rates to the flare as low as 50 scfm.
- A sufficient flow of natural gas shall be fed to the flare during start-up or restart so that a flame is supported and unburnt gases are not emitted to the atmosphere.
- The flare shall not exhibit any visible flames or emissions except during periods not to exceed a total of 5 minutes in any 2 consecutive hours and the emissions during these periods shall not exceed 10% opacity.
- The flare shall achieve either a minimum 98% by weight nonmethane organic compound destruction efficiency or a maximum nonmethane organic compound outlet concentration of 20 ppmv, dry basis corrected to 3% oxygen (expressed as hexane).
- The flare shall achieve a minimum 1,500°F flare gas temperature and the landfill gas shall be held at or above this temperature for a minimum of 0.89 second.
- The flare shall be equipped with a continuous temperature monitoring and recording system having an accuracy of plus or minus 1% of the temperature being monitored, which will log the temperature of the flue gas exiting the flare at all times using a temperature sensor

positioned at a location where the landfill gas has been in the flare for at least 0.5 second.

- The flare shall be equipped with an ultraviolet (heat-sensing) flame scanner.

- In the event that the heat sensing flame scanner does not detect a flame or the flare is not operating between 1,500°F and 1,800°F, an automatic shut-off device shall immediately stop the flow of landfill gas to the flare and the flare shall be automatically shut down while sounding an alarm.

- The flare shall at any point in time be capable of accommodating the maximum landfill gas collection rate which will exist at that point in time while maintaining compliance with all applicable regulatory requirements.

2. The flare shall not emit NO<sub>x</sub> at a rate greater than 3.72 pounds per hour and 16.3 tons in any 12 consecutive month period.

3. The flare shall not emit carbon monoxide at a rate greater than 20.2 pounds per hour and 88.5 tons in any 12 consecutive month period.

4. The permittee shall conduct stack testing on the flare in accordance with 25 Pa. Code Chapter 139 no later than 120 days from the date of startup of the flare to determine compliance with the minimum nonmethane organic compound destruction efficiency, maximum nonmethane organic compound outlet concentration and NO<sub>x</sub> and CO emission limitations.

**18-00011E: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751-9601) for construction of product loading operations (transfer of “general” and “alcohol-diluted” liquid products from processing vessels and storage tanks into drums and tank trucks) in Bald Eagle Township, **Clinton County**. The Croda facility is a major facility which has been issued a Title V Operating Permit (No. 18-00011).

The product loading operations will result in total combined VOC emissions of 9.69 tons per year; 1.10 tons per year of the total VOC emissions are also classified as hazardous air pollutants.

The Department has determined that the product loading operations will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue a plan approval for the construction of the respective product loading operations.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The total combined VOC emissions from all product loading operations at the facility shall not exceed 9.69 tons in any 12 consecutive month period.

2. The total combined hazardous air pollutant emissions from all product loading operations at the facility shall not exceed 1.1 tons in any 12 consecutive month period.

3. The loading of “general” products shall not exceed 90 million pounds in any 12 consecutive month period.

4. The loading of “alcohol-diluted” products shall not exceed 30 million pounds in any 12 consecutive month period.

5. The rolling average total VOC content per pound of “alcohol-diluted” products loaded for all “alcohol-diluted” products loaded in each 12 consecutive month period shall not exceed 12.0% by weight.

6. The rolling average total hazardous air pollutant content per pound of “alcohol-diluted” products loaded for all “alcohol-diluted” products loaded in each 12 consecutive month period shall not exceed 0.9% by weight.

7. The permittee shall implement submerged/bottom loading techniques for all products loaded to minimize liquid turbulence and transfer of vapor to air displaced during the loading process.

8. The “general” products shall consist only of “high-boiling constituents” (organic compounds having an average molecular weight of approximately 550 lb/lb mol or greater) and shall not be diluted with ethanol, isopropanol, methanol or any other VOC and/or hazardous air pollutant having lesser molecular weights.

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

**11-00356A: Peoples Natural Gas** (Dominion Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) is hereby given, under 25 Pa. Code § 127.44(a)(4), that the Department intends to issue a Plan Approval at this Title V facility for the installation of a natural gas dehydration unit and pipeline heater at the at the Rager Mountain/Laurel Ridge Compressor Station located in Jackson Township, **Cambria County**.

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

**37-248E: US Can Co.** (1902 Old Butler Road, New Castle, PA 16101) for installation of a regenerative thermal oxidizer on coating lines 101 and 102. This installation will result in no increase in emissions. Notice is given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department intends to issue a plan approval to US Can Co. for their plant in Shenango Township, **Lawrence County**. The facility currently has a Title V permit No. 37-00248. 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.

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

**02039: Sunoco Chemicals** (Margaret and Bermuda Streets, Philadelphia, PA 19137) for installation of four 17,500 scfm catalytic oxidizers for replacing the existing 65,000 scfm unit. This is a Title V facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02042: Sunoco Chemicals** (Margaret and Bermuda Streets, Philadelphia, PA 19137) for installation of a 16,000 lb charcoal adsorber. This is a Title V facility. The adsorber will improve control of VOC emissions from oxidizer OX-501. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

## OPERATING PERMITS

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

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

**28-05032: Jerr Dan Corp.** (1080 Hykes Road, Greencastle, PA 17225) for operation of a surface coating facility at its State Line Plant in Antrim Township, **Franklin County**, which primarily emits VOCs.

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

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

**23-00029: Upper Darby High School** (601 Lansdowne Avenue, Upper Darby, PA 19082) for operation of a high school in Upper Darby Township, **Delaware County**. The permit is for a non-Title V (State only) facility. The facility's main sources include: three fuel oil and natural gas fired boilers, two natural gas fired chillers, one fuel oil fired emergency generators and three natural gas fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00048: Jefferson Smurfit Corp.—Aston Container Division** (100 McDonald Blvd., Aston, PA 19014) for a non-Title V Facility, State Only, Synthetic Minor Operating Permit in Chester Township, **Delaware County**. Jefferson Smurfit Corp. manufactures, cuts, folds and print on corrugated paper products in their Aston facility. There are two 20.9 mmBtu/hr boilers, an emergency generator, a fire pump, two corrugated paper machines, five die cutters and five flexo-folder gluers. The boilers operate on natural gas and no. 2 Fuel Oil and the facility has taken a 749,500-gallon per year limitation on the amount of no. 2 Fuel Oil that is consumed. This facility has the potential to emit 24 tons of NO<sub>x</sub> per year; 10.5 tons of VOCs per year; 2.8 tons of hazardous air pollutants per year; 20 tons of sulfur dioxide per year; and 66 tons of particulate matter. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**01-05025: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) for operation of a crushed stone/bituminous concrete facility in Cumberland Township, **Adams County**. This is a non-Title V (State only) facility. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by restricting the production rate of the facility. The operating permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

**36-03034: Purina Mills, Inc.** (3029 Hempland Road, Lancaster, PA 17601) for operation of an animal feed mill in East Hempfield Township, **Lancaster County**. Poten-

tial emissions from the feed mill are estimated at 71 tpy of PM. The State-only operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-03081: Finishing Systems, Inc.** (70 Willow Springs Circle, York, PA 17402) for operation of its metal parts cleaning facility in Manchester Township, **York County**. The facility has the potential to emit 6 tons of PM<sub>10</sub> per year. The Natural Minor operating permit will include testing, monitoring and recordkeeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**19-310-007: Sokol Quarries, Inc.** (P. O. Box 366, Bloomsburg, PA 17815) for operation of a wet sand and gravel processing operation in Fishing Creek Township, **Columbia County**. The fugitive dust emissions from the operation of the crushing, screening and conveying equipment incorporated in the operation are minimal due to the wet nature of the material being processed and the application of water during processing.

The Department has determined that the sand and gravel processing operation has been constructed and is operating, in accordance with all conditions of Plan Approval 19-310-007 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective sand and gravel processing operation.

The following is a summary of the conditions the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable requirements:

1. Water spray nozzles shall be located on both triple deck screens and at the discharge of the cage mill crusher. Additional spray nozzles shall be installed if needed.

2. Water spray nozzles shall be connected to an on-demand water source capable of providing water at any time the plant is operating.

3. The company shall have onsite an operable water truck equipped with a pressurized spray bar to be used, as needed, for the prevention and control of fugitive air contaminant emissions from roadways, stockpiles, truck loading activities and the like.

4. This operating permit does not authorize the construction or operation of engines or generators.

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

**26-00020: Better Materials Corp.** (P. O. Box 721, Berkeley Springs, WV 25411) a renewal for operation of limestone processing at their Rich Hill Quarry in Connelville Township, **Fayette County**.

**04-00689: Rome Metals, Inc.** (499 Delaware Avenue, Rochester, PA 15074) a renewal for operation of a structural metals processing at their Rochester Plant in Rochester Borough, **Beaver County**.

**26-00288: Better Materials Corp.** (P. O. Box 721, Berkeley Springs, WV 25411) a renewal for operation of limestone processing at their Springfield Pike Quarry in Connellsville Township, **Fayette County**.

**65-00792: AMI Doduco, Inc.** (1003 Corporate Drive, Corporate Park, Export, PA 15632) a renewal for operation of a belt and brush sanders at Plant No. 5 in Murrysville, **Westmoreland County**.

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

**42-00194: Glenn O. Hawbaker, Inc.—Shinglehouse Plant No. 8** (497 Horse Run Road, Shinglehouse, PA 16748) for operation of a nonmetallic mineral processing plant in Ceres Township, **McKean County**. This Natural Minor Permit is subject to New Source Performance Standards for nonmetallic mineral processing plants.

**10-00030: Roessing Bronze Co.** (Myoma Road, Mars, PA 16046) for operation of a secondary nonferrous metal melting and casting facility in Adams Township, **Butler County**. This is a Natural Minor Operating Permit.

**25-00360: The Electric Materials Co.** (50 South Washington Street, North East, PA 16428) for operation of their facility to manufacture copper base components in the Borough of North East, **Erie County**. This is a Natural Minor Operating Permit.

**33-00125: Energy Resources, Inc.** (Route 219, Brockway, PA 15824) for operation of their Brockway Tipple facility for coal crushing and handling in Snyder Township, **Jefferson County**. This is a Natural Minor Operating Permit.

## 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); 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); and 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

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

**10910107 and NPDES Permit No. PA0210978. Big B Mining Co.** (551 Mahood Road, Butler, PA 16001). Renewal of an existing bituminous surface strip operation in Center Township, **Butler County** affecting 193.6 acres. Receiving streams: three unnamed tributaries to Stony Run and one unnamed tributary to Pine Run, classified for WWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Co.—Connoquenessing and Armco Steel Corporation. Application for reclamation only. Application received September 30, 2002.

**10020103 and NPDES Permit No. PA 0242187. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip and auger operation in Jackson Township, **Butler County** affecting 35.0 acres. Receiving streams: unnamed tributary to Connoquenessing Creek, classified for WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received September 26, 2002.

**1475-10020103-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 100 feet of an unnamed tributary of Connoquenessing Creek in Jackson Township, **Butler County** affecting 35.0 acres. Receiving streams: unnamed tributary to Connoquenessing Creek, classified for WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received September 26, 2002.

**33920103 and NPDES Permit No. PA 0211125. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801) Renewal of an existing bituminous surfaces

strip operation in Pinecreek Township, **Jefferson County** affecting 156.3 acres. Receiving streams: unnamed tributary to O'Donnell Run to Sandy Lick Creek; three unnamed tributaries to Five Mile Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 10, 2002.

**16920104 and NPDES Permit No. PA 0211206. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Perry and Toby Townships, **Clarion County** affecting 89.9 acres. Receiving streams: Black Fox Run and an unnamed tributary to Black Fox Run, classified for WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 3, 2002.

**33970112 and NPDES Permit No. PA 0227617. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858). Renewal of an existing bituminous surface strip and auger operation in Washington Township, **Jefferson County** affecting 102.0 acres. Receiving streams: unnamed tributaries to Rattlesnake Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 4, 2002.

#### *Noncoal Applications Received*

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

**5273SM3C and NPDES Permit PA0594288. Media Quarry Co., Inc.** (P. O. Box 667, Beatty Road, Media, PA 19063), renewal of NPDES Permit in Nether Providence Township, **Delaware County**, receiving stream: Crum Creek, classified for WWF. Application received October 18, 2002.

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

**18020301 and NPDES Permit No. PA 0243388. Mill Hall Clay Products, Inc.**, 44 Market Street, Mill Hall, PA 17751. Commencement, operation and restoration of a large industrial minerals (clay) permit in Bald Eagle Township, **Clinton County** affecting 24.2 acres. Receiving streams: Bald Eagle Creek, classified for WWF, to Susquehanna River. Application received October 10, 2002.

#### **PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person

submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

#### *Project Proposals Received*

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

**17-01-03. EnerCorp, Inc.**, R. D. 2, Box 236, Morrisdale, PA 16858. The Hawk Run District Mining Office for the Department awarded a Government Financed Construction Contract to EnerCorp, Inc. on October 18, 2002, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine site affecting 11.4 acres. The site is located in Graham Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received January 22, 2002. Permit issued October 18, 2002.

**17-01-06. Whitetail Contracting**, P. O. Box 220, Woodland, PA 16881. The Hawk Run District Mining Office for the Department awarded a Government Financed Construction Contract to Whitetail Contracting on October 22, 2002, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 19.6 acres. The site is located in Decatur Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of the Commonwealth. Application received January 25, 2002. Permit issued October 22, 2002.

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

**16-02-03 and NPDES Permit No. PA0242179. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Proposal to enter into a Government Financed Construction Contract on a 2.2 acre site in Clarion Township and Strattanville Borough, **Clarion County**. The proposal includes total reclamation of 2.2 acres of abandoned mine lands as well as 1.9 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: unnamed tributary to Brush Run, classified for CWF. There are no potable surface water intakes within 10 miles downstream. Application received September 23, 2002.

#### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to

certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E58-251. Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501, in Clifford Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to East Branch Tunkhannock Creek (CWS) consisting of a 6.5-foot by 5.5-foot precast concrete box culvert with its invert depressed 1.0 foot below stream bed elevation. The proposed culvert will be realigned to intercept the channel approximately 40 feet downstream of the existing culvert outlet. The project is located along SR 0106, Segment 0232, Offset 0360, approximately 1.0 mile southeast of the intersection of SR 0106 and SR 0374 (Clifford, PA Quadrangle N: 5.7 inches; W: 14.3 inches).

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

**E36-750. Christine Semier, D. R. Horton, Inc.**, 20 Gibson Place, Freehold, NJ 07728 in East Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a 120-foot three span concrete arch bridge; (2) an 8-inch water supply line; (3) an 8-inch sewage collection line; and (4) a pedestrian ford crossing all to be located within or crossing Millers Run (CWF) within The Village Grande Development located approximately 1,000 feet east of the intersection of SR 741 and McGovernville Road (Lancaster, PA Quadrangle N: 12.7 inches; W: 16.0 inches) in East Hempfield Township, Lancaster County.

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

**E14-434. Pennsylvania American Water Company**, Rush Township, **Centre County**, ACOE Baltimore District (Houtzdale, PA Quadrangle N: 10.0 inches; W: 1.8 inches).

To install seven stream crossing and eight wetland crossings for waterlines, spray irrigation heads and water diffusers across unnamed tributaries to Minnie Run (HQ-CWF) and palustrine emergent exceptional value wetlands. The project is for the implementation of a wetland maintenance plan required as a condition to operate two water supply wells in the Trout Run (HQ-CWF) watershed. The project will temporarily disturb 0.01 acre of wetland and 87 linear feet of stream.

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

**E24-227. Benazette Township Supervisors**, P. O. Box 10, Benazette, PA 15821. T-423 Bridge Replacement, in Benazette Township, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 11.6 inches; W: 1.1 inches).

To remove the existing structure and to construct and maintain a prestressed concrete I-beam bridge having three clear spans of 30.1 meters each and an underclearance of approximately 6.55 meters on a 70 degree skew across Bennett Branch Sinnemahoning Creek (WWF) on T-423 approximately 400 feet southeast of the intersection of SR 0555 and T-423. The project includes the permanent impact of a de minimis palustrine wetland (0.009 acre), the temporary impact of 0.652 acre of palustrine wetlands and the construction of a temporary stream crossing.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D21-006EA. Darren Bennett**, 165 Creek Road, Newville, PA 17214. West Pennsboro and Upper Frankford Townships, **Cumberland County**, ACOE Baltimore District.

To breach and remove the Black Dam across Conodoquinet Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,200 feet southwest of the intersection of Pine Road (T438) and Creek Road (T427) (Plainfield, PA Quadrangle N: 12.5 inches; W: 17.05 inches).

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received 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 the comment and the relevant facts upon which it based.

**The following applications have been received for 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 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County/ Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-35-001	Charles L. Moeller Flexible Foam Products Inc. 220 S. Elizabeth Street P. O. Box 126 Spencerville, OH 45887	Lackawanna Archibald Borough	Four ASTs storing hazardous substances	36,000 gallons

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

**NPDES Permit No. PA0051284 Amendment No. 1**, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Amend existing permit to discharge into an unnamed tributary to Crum Creek-3G.

**NPDES Permit No. PA0054704**, Sewage, **Tri County Respite**, 1096 Apple Road, Quakertown, PA 18951. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Tohickon Creek-2D-Watershed.

**NPDES Permit No. PA0057274**, Sewage, **Michael and Antionette Hughes**, 305 Aubun Drive, Downingtown, PA 19335-4420. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Marsh Creek-3H.

**NPDES Permit No. PA0052892**, Sewage, **Donald F. Byrne**, 2201 North Ridley Creek Road, Media, PA 19063-1968. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Ridley Creek-3G.

**NPDES Permit No. PA0054593**, Sewage, **David Ebersol**, 167 Concord Meeting Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to the West Branch of Chester Creek-3G.

**NPDES Permit No. PA0032301**, Sewage, **American Water Services, Inc.**, 453 Boot Road, Downingtown, PA 19335. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into the West Branch of Chester Creek-3G.

**WQM Permit No. 1501406 Amendment No. 1**, Sewerage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This proposed facility is located in Penn Township, **Chester County**.

Description of Proposed Action/Activity: Approval granted for the construction and operation of sewage collection system and modifications to the existing pump station and forcemain to serve Elk Creek Farms Subdivision.

**WQM Permit No. 0902406**, Sewerage, **Quakertown Borough**, 15-35 North Second Street, Quakertown, PA 18951. This proposed facility is located in Quakertown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to install approximately 1,500 ft. of new 12-inch sanitary sewer main along Park Avenue.

**WQM Permit No. 1502416**, Sewerage, **West Grove Borough**, 117 Rosehill Avenue, P. O. Box 61, West Grove, PA 19390. This proposed facility is located in West Grove Borough, **Chester County**.

Description of Proposed Action/Activity: Approval to replace the existing pumps, motors and controls.

**WQM Permit No. 1502404**, Sewerage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to expand the existing Ridley Creek STP to 0.750 mgd.

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

**NPDES Permit No. PA0053163**, Sewage, **Webster Youngs**, 5029 Vera Cruz Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: Renewal of

NPDES Permit to discharge 0.0005 MGD.

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

**NPDES Permit No. PA0246484**, Sewage, **The Links at Gettysburg Utility Company, LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Rock Creek.

**WQM Permit No. 0102404**, Sewerage, **The Links at Gettysburg Utility Company LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. This proposed facility is located in Mount Joy Township, **Adams County**.

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

**WQM Permit No. 2197406 Transfer 1**, Sewerage, **Mr. and Mrs. Warren P. Merkel, Jr.**, 371 Bobcat Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

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

**WQM Permit No. 0689407 Transfer 1**, Sewerage, **Ron and Christine Gasiewski**, 1475 Elverson Road, Elverson, PA 19520. This proposed facility is located in Caernarvon Township, **Berks County**.

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

**NPDES Permit No. PA0246913**, Industrial Waste, **PPL Gas Utilities Corporation**, 555 Camargo Road, Quarryville, PA 17566-9210. This proposed facility is located in Bedford Township, **Bedford County**. The Department issued the NPDES permit on November 1, 2002.

Description of Proposed Action/Activity: Authorization to discharge to Shobers Run in Watershed 11-C, issued on November 1, 2002.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*. The proposed effluent limits for Outfall 001 are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	Nondetect	XXX	Nondetect

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

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

**NPDES Permit PA0027049**, 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 Proposed Activity: Renewal of Major NPDES Permit for the Williamsport Sanitary Authority

West Plant. Treated effluent is discharge to the West Branch Susquehanna River.

**NPDES Permit No. PA0228575**, Industrial Waste SIC 4941, **Pennsylvania American Water Company**, 105 Sodom Road, Milton, PA 17847-9762. This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit for a stream flow augmentation release from a public water supply well withdrawal activity. Stream flow augmentation discharge is to an unnamed tributary of Trout Run, known locally as Minnie Run.

**NPDES Permit No. PA0228583**, Industrial Waste SIC 4941, **Pennsylvania American Water Company**, 105

Sodom Road, Milton, PA 17847-9762. This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit for a stream flow augmentation release from a public water supply well withdrawal activity. Steam flow augmentation discharge is to Trout Run.

**WQM Permit No. 1701202**, Industrial Waste, SIC 4941, **Westover Municipal Authority**, 121 North Main Street, P. O. Box 185, Westover, PA 16692-0185. The facility is located in Chest Township, **Clearfield County**.

Description of Proposed Action: Action will include the issuance of Water Quality Management Part II Permit. The permit will allow Westover Municipal Authority to continue to use an existing wetland disposal system for a discharge from a public drinking water treatment system. The wetland disposal system previously received backwash water from a conventional filtration system, which is being replaced with a membrane filtration system.

**WQM Permit No. 5902405**, Sewerage 4952, **Shaun and Jamie Moon**, R. R. 1 Box 1760, Osceola, PA 16942. This proposed facility is located in Osceola Township, **Tioga County**.

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

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

**NPDES Permit No. PA0098299**, Sewerage, **Laurel Highlands Lodge/Donegal Inn, Inc.**, 4 Snyder Road, Donegal, PA 15628 is authorized to discharge from a facility located at Laurel Highlands Lodge STP, Donegal Township, **Westmoreland County** to receiving waters named drainage swale tributary to Four Mile Run.

**NPDES Permit No. PA0205257**, Sewerage, **Greensboro-Monongahela Township Joint Sewage Authority**, P. O. Box 342, Greensboro, PA 15338-0342 is authorized to discharge from a facility located at Greensboro-Monongahela Township Sewage Treatment Plant, Monongahela Township, **Greene County** to receiving waters named back channel of the Monongahela River.

**Permit No. 0402401**, Sewerage, **Raymond L. Cerasi**, 1205 Pleasant Street, Aliquippa, PA 15001. Construction of a single residence STP located in Raccoon Township, **Beaver County** to serve Cerasi single residence sewage treatment plant.

**Permit No. 2674404-A1**, Sewerage, **Estate of Herman Uchelivich**, 75 Delaware Avenue, Uniontown, PA 15401. Construction of a sewage treatment plant located in Jefferson Township, **Fayette County** to serve Jefferson Estates.

#### 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.

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#### List of NPDES and/or Other General Permit Types

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG 2*

<i>Facility Location &amp;and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Pulaski Township Lawrence County	PAR103752	Pulaski Township Municipal Authority R. D. 1 Box 1043 Pulaski, PA 16143	Deer Creek, Coffee Run, UNT to Deer Creek and Coffee Run, UNT to Shenango River, Coffee Run, Marshall Run and Shenango River WWF	Lawrence County Conservation District (724) 652-4512
Union Township Lebanon County	PAR10P186	Major John Saufley 1129 Utility Road Fort Indiantown Gap Annville, PA 17003	Forge Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
West Hanover and Lower Paxton Townships	PAR10I314	Central Dauphin School District 600 Rutherford Rd. Harrisburg, PA 17109	Beaver Creek WWF	Dauphin County Conservation District (717) 921-0100
Denver Borough Lancaster County	PAR10O500-1	Cocalico School District South Fourth St. P. O. Box 800 Denver, PA 17517	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Bradford County Towanda Borough North Towanda Township	PAR100831	Thomas E. Dietrich Department of Transportation P. O. Box 218 Montoursville, PA 17754	Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Towanda, PA 18848
Centre County College Township	PAR10F170	PSU—Fox Hollow Rd. Jeff Spackman Office of Physical Plant Physical Plant Bldg. University Park, PA 16802	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Patton Township	PAR10F167	Oakwood Lot No. 4 1008 Stratford Court State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Hemlock	PAR102155	Buckhorn Supercenter K Investments Ltd. 1500 Sycamore Rd. Montoursville, PA 17754	Little Fishing and Hem- lock Creeks CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Allegheny County Robinson Township	PAR10A568	Allegheny County De- partment of Public Works 501 County Office Bldg. 436 Grant Street Pittsburgh, PA 15219	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Shaler Township	PAR10A587	Phillips Spring Properties, Inc. 2708 Phillips Ave. Glenshaw, PA 15116	UNT to Little Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Municipality of Monroeville	PAR10A597	Keane Construction Co., Inc. 203 Townsend Drive Monroeville, PA 15146	UNT to Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Fayette County Georges Township	PAR10L085	Eli Shumer P. O. Box 386, Route 40 Brier Hill, PA 15415	Georges Creek WWF	Fayette County Conservation District (724) 438-4497

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Somerset County Brothersvalley Township	PAR106152	Department of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Tubs Run into Buffalo Creek CWF	Somerset County Conservation District (814) 445-4652
<i>General Permit Type—PAG-3</i>				
Lackawanna County Dunmore Borough	PAR602201	DeNaples Auto Parts, Inc. 400 Mill Street Dunmore, PA 18512	Roaring Brook CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lehigh County Upper Macungie Township	PAR232206	Degussa Construction Chemicals Operations, Inc. 7234 Penn Drive Allentown, PA 18106	Spring Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Allegheny County Bellacres Borough	PAR606122	Wagner Auto Recycling 851 Big Sewickley Creek Rd. Sewickley, PA 15143	Big Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
Osceola Township Tioga County	PAG045143	Shaun and Jamie Moon R. R. 1 Box 1760 Osceola, PA 16942	UNT to Cowanesque River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Peters Township Washington County	PAG046150	Frank and Cynthia Palombo 408 Hays Road Venetia, PA 15367	Tributary of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Raccoon Township Beaver County	PAG046256	Raymond L. Cerasi 1205 Pleasant Street Aliquippa, PA 15001	UNT to Fish Pot Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-5</i>				
Chester County West Goshen Township	PAG050038	Sunoco, Inc. Automotive Lab. P. O. Box 1135 Marcus Hook, PA 19061	UNT to East Branch of Chester Creek-3G	Southeast Region Water Management (610) 832-6130

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
New Stanton Borough Westmoreland County	PAG056184	Sunoco Inc. (R&M) 5733 Butler Street Pittsburgh, PA 15201	Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Boggs Township Centre County	PAG084814	Bellefonte Borough 236 W. Lamb St. Bellefonte, PA 16823	Bennett Farm Biosolids Site Boggs Township Centre County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655
Decatur Township Clearfield County	PAG084819	Moshannon Valley Joint Sewer Authority P. O. Box 581 Philipsburg, PA 16866	Rader Farm Biosolids Site Decatur Township Clearfield County	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).

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

#### Permit No. 1502504, Public Water Supply.

Applicant	<b>Ridgeview Mobile Home Park</b> 54 Pear Tree Lane Colora, MD 21917
Township	Nottingham
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Permit to Construct Issued	October 22, 2002

**Operations Permit** issued to **Martech Medical**, 1500 Delp Drive, Harleysville, PA 19438 (No. 1460971) Towamencin Township, **Montgomery County** on October 1, 2002, for the operation of facilities approved under Construction Permit No. 4602501.

**Operations Permit** issued to **Pennsylvania Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010 (No. 1150196) Honey Brook Township, **Chester County** on October 22, 2002, for the operation of facilities approved under Construction Permit No. 1500502.

**Operations Permit** issued to **Elverson Water Company**, 26 East Main Street, Elverson, PA 19520 (No. 1150191) Elverson Borough, **Chester County** on October 22, 2002, for the operation of facilities approved under Construction Permit No. 1502502.

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

**Operations Permit** issued to **Pennsylvania Suburban Water Company, Shenango Valley Division**, 665 South Dock Street, Sharon, PA 16146, PWS ID No. 6430054, City of Hermitage, **Mercer County** on October 16, 2002, for the operation of facilities approved under Construction Permit No. 4302501.

**Operations Permit** issued to **Saxonburg Area Water Authority**, 420 West Main Street, Saxonburg, PA 16058, PWS ID No. 5100069, Clinton Township, **Butler County** on October 28, 2002, for the operation of facilities approved under Construction Permit No. 1094506-MA1.

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **Proposed Interim Response**

#### **Arrow Carting Landfill Site, Nockamixon Township, Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the Arrow Carting Landfill Site (Site), Nockamixon Township, Bucks County.

The Department, under the authority of the HSCA, has conducted further investigations at the Site. These investigations have included extensive soil, sediment, surface water and groundwater sampling. Current data show high concentrations, above the Department's Act 2 standards, of heavy metals including arsenic, copper and chromium in the soils in the areas known as the burn pits. Due to high levels of heavy metals, there is a potential direct contact risk to people or animals that encounter these areas.

To address the release and threat of release of hazardous substances at the Site and corresponding threats to human health and the environment, the Department proposes an interim response action at the Site under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Department is proposing the removal of the contaminated soils. This proposed alternative complies with Applicable or Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. The other possible alternative is no action, which would not comply with ARARs or address the threats to human health and the environment.

An Administrative Record which contains more detailed information concerning this proposed interim response action is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Those interested in examining the Administrative Record should contact Sharon Mills, Project Officer, (610) 832-6199 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Nockamixon Township Office, 589 Lake Warren Road, Ferndale, PA 18921, (610) 847-5058.

A public hearing is scheduled under section 506(d) of the HSCA for Tuesday, January 14, 2003, at 7 p.m. in the

Nockamixon Township Office. Persons who wish to present formal oral comments regarding this interim response may do so by registering with the Department before the hearing. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, (610) 832-6219.

Persons with a disability who wish to attend the public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the previous telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed interim response action during the period of public comment. In accordance with section 506(c) of the HSCA, the Department has established a period for public comment that is now open and will close on Friday, February 14, 2003. Written comments should be addressed to Sharon Mills, Project Officer, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Persons with questions regarding this notice should contact Sharon Mills at (610) 832-6199.

## **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.*

**West Chester Office Plaza**, West Goshen Township, **Chester County**. Elizabeth Schamberger, Synergy Environmental, Inc., 607 Washington St., Reading, PA 19601, on behalf of Bruce Tahsler, High V Limited Partnership,

1853 William Penn Way, P. O. Box 10008, Lancaster, PA 17605, has submitted a Final Report concerning remediation of site soil contaminated with PCB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rose Tree Elementary School**, Upper Providence Township, **Delaware County**. Daniel B. Lewis, P. G., Spotts, Stevens & McCoy, Inc., 345 N. Wyomissing Blvd., P. O. Box 6307, Reading, PA 19610-0307, on behalf of Rose Tree Media School District, 308 N. Olive St., Media, PA 19063-2403, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and PHC. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**General Econopak Facility**, City of Philadelphia, **Philadelphia County**. James M. Connor, URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090, on behalf of Jeff Markowitz, General Econopak, 1725 N. 6th St., Philadelphia, PA 19122, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, Fuel Oil No. 2, inorganics, lead, other organics and PAH; and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE and other organics. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

**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 Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Haas Packaging & Design, Inc.**, Upper Nazareth Township, **Northampton County**. Mark Ellis, Senior Geologist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of Daniel Haas, Haas Packaging & Design, Inc., 300 Industrial Park Drive, Nazareth, PA) concerning the remediation of site groundwater found to have been contaminated with a suspected petroleum-distillate compound. The report was submitted to document attainment of the Statewide Health Standard.

**Sickler Residence**, Choconut Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Final Report (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 report was submitted to document attainment of the Statewide Health Standard.

**Altomos 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 Final Report (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 report was submitted to document attainment of the Statewide Health Standard.

**Camp Williams—Northern NJ Council of the Boy Scouts of America**, Dingman Township, **Pike County**. Thomas M. Hippensteal, P. G., Mid-Atlantic Associates, P.A., P. O. Box 1128, North Wales, PA 19454 has submitted a Final Report (on behalf of Northern NJ Council of the Boy Scouts of America, 25 Ramapo Valley Road, Oakland, NJ 07436) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted to document attainment of the Statewide Health Standard.

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

**Ewing's Mill**, Buffington Township, **Indiana County**. Keith Cessna, McCutcheon Enterprises, Inc., 250 Park Road, Apollo, PA 15613 (on behalf of Thomas Rivosecchi, Simpson, Kablack & Bell, 834 Philadelphia Street, Indiana, PA 15701) has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil Nos. 4—6 and Pennzoil Brightstock, a heavy lubricating oil. 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 Man-

ager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**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 documented attainment of the site-specific standard using residential exposure assumptions and was approved on October 7, 2002.

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

**Westinghouse Specialty Coating Division Facility (Former)**, Manor Borough, **Westmoreland County**. Dean Reed, Viacom Inc., 11 Stanwix Street, Pittsburgh, PA 15222 (on behalf of RANBAR Technologies, Harrison City Road, Manor, PA 15665) has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The Risk Assessment Report was disapproved by the Department on September 13, 2002.

**Big Beaver Falls Area School District**, Beaver Falls, **Beaver County**. Dean Gerber, URS, 2020 Ardmore Blvd., Suite 205, Pittsburgh, PA 15221 (on behalf of Big Beaver Falls Area School District, 820 16th Street, Beaver Falls, PA 15010-4065) has submitted a Cleanup Plan concerning the remediation of site soil contaminated with lead, heavy metals and PAHs. The Cleanup Plan was approved by the Department on August 28, 2002.

**Levin Family Partnership, L. P.**, Borough of Monroeville, **Allegheny County**. Richard D. Dworek, Kirkpatrick & Lockhart LLP, Henry W. Oliver Building, 535 Smithfield Street, Pittsburgh, PA 15222-2312 (on behalf of Levin Family Partnership, L. P., 301 Fitz Henry Road, Smithton, PA 15479) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead, BTEX and PAHs. The Remedial Investigation Report was disapproved by the Department on October 24, 2002.

**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 Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAH and VOCs. The Remedial Investigation Report was approved by the Department on October, 24, 2002.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**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.*

**Erie Sewer Authority, c/o Knox McLaughlin Gornall & Sennett PC**, 120 W. 10th Street, Erie, PA 16501-1461, Erie City, **Erie County**. Permit Renewal Application for Municipal Waste Processing Facility named the City of Erie Wastewater Treatment Plant Incinerator Facility. The permit was issued by the Northwest Regional Office on October 29, 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.

## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Marple Township Delaware County**, 227 South Sproul Road, Springfield and Sproul Rds., Broomall, PA 19008-2397. Authorization No. WH0168. Effective October 30, 2002.

**Teesdale Trash Removal**, 211 Blackwood Barnsboro Road, Sewell, NJ 08080. Authorization No. WH0207. Effective October 30, 2002.

**One Stop Recycling**, P. O. Box 34, Lykens, PA 17048. Authorization No. WH0302. Effective October 30, 2002.

**Environmental Waste Minimization Inc.**, Suite 103, 719 Roble Road, Allentown, PA 18109. Authorization No. WH0329. Effective October 30, 2002.

**Wayne Roy Hall II**, 323 Saint Pauls Church Road, Hopewell, PA 16650-8005. Authorization No. WH0372. Effective October 30, 2002.

**T & N Van Service**, 1510 Lancer Drive, Moorestown, NJ 08057-4231. Authorization No. WH0381. Effective October 30, 2002.

**Klines Service Inc.**, 5 Holland St., P. O. Box 626, Salunga, PA 17538-0626. Authorization No. WH0382. Effective October 30, 2002.

**Megatron Trucking**, 1159 Tanyard Road, Sewell, NJ 08080. Authorization No. WH0385. Effective October 30, 2002.

**Estate of Martin Pellick**, 637 Grindstone Road, Grindstone, PA 15442-0637. Authorization No. WH0473. Effective October 30, 2002.

**Jack B. Weiss General Contractor**, 2328 S Filbert St., Allentown, PA 18103. Authorization No. WH0601. Effective October 30, 2002.

**Charles Blosenski Disposal Co.**, 265 Lippitt Road, Honey Brook, PA 19344-9605. Authorization No. WH0616. Effective October 30, 2002.

**RBS Enterprises Inc.**, P. O. Box 263, 3650 Kings Highway, Downingtown, PA 19335-0263. Authorization No. WH0617. Effective October 30, 2002.

**Richard Bishop**, 2159 Cumberland Road, Bedford, PA 15522. Authorization No. WH0650. Effective October 30, 2002.

**McInchok Sanitation**, 600 Jackson Road, Ligonier, PA 15658-9233. Authorization No. WH0651. Effective October 30, 2002.

**Brechbill & Helman Construction Co., Inc.**, 1115 Sheller Ave., Chambersburg, PA 17201-2941. Authorization No. WH0652. Effective October 30, 2002.

**Tom Ritchey Transport Inc.**, 625 14th St., P. O. Box 835, Northern Cambria, PA 15714-3055. Authorization No. WH0653. Effective October 30, 2002.

**Chambersburg Borough Franklin County**, 100 S. 2nd St., Chambersburg, PA 17201-2501. Authorization No. WH0655. Effective October 30, 2002.

**Eden Contracting Inc.**, 1350 New Danville Pike, P. O. Box 177, Lancaster, PA 17608-0177. Authorization No. WH0656. Effective October 30, 2002.

**Hanover Borough**, 44 Frederick St., Hanover, PA 17331. Authorization No. WH0657. Effective October 30, 2002.

**Goods Disposal Service Inc.**, 4361 Oregon Pike, Ephrata, PA 17522. Authorization No. WH0658. Effective October 30, 2002.

**Roseville Equipment Co.**, P. O. Box 4035, Lancaster, PA 17604-0604. Authorization No. WH0659. Effective October 30, 2002.

**Mercer County Improvement Authority**, P. O. Box 8068, 640 Broad St., Trenton, NJ 08650. Authorization No. WH0660. Effective October 30, 2002.

**KMJ Trucking**, Victory Hills E., Apt 3, Dover, NJ 07801. Authorization No. WH0280. Effective October 31, 2002.

**Onyx Waste Service Inc.**, P. O. Box 30, Norristown, PA 19404-0030. Authorization No. WH0308. Effective October 31, 2002.

**ABC Construction Contracting Inc.**, 36-11 Starr Ave., Long Island, NY 11101. Authorization No. WH0389. Effective October 31, 2002.

**Keystone Waste Service Inc.**, P. O. Box 10023, 2342 Warfel Ave., Erie, PA 16514-0023. Authorization No. WH0468. Effective October 31, 2002.

**Kreitzer Sanitation**, 191 North Spencer St., Frackville, PA 17931-1506. Authorization No. WH0117. Effective November 4, 2002.

**Republic Service of PA**, 10 Reaney St., Chester, PA 19013-2847. Authorization No. WH0135. Effective November 4, 2002.

**Waste Treatment Corp.**, 1 Harmar St., P. O. Box 1561, Warren, PA 16365. Authorization No. WH0220. Effective November 4, 2002.

**Jack Robinson Waste Disposal Service Inc.**, 404 Oakland Ave., Bellmawr, NJ 08034. Authorization No. WH0250. Effective November 4, 2002.

**Onyx Waste Service Inc.**, Route 219N, R. R. 2 Box 0, Brockway, PA 15824-0514. Authorization No. WH0397. Effective November 4, 2002.

**MSI Leasing LLC**, 144 N. Beverwyck Road, PMB 285, Lake Hiawatha, NJ 07034. Authorization No. WH0603. Effective November 4, 2002.

**Tinari Container Service, Inc.**, 1040 Churchville Road, Southampton, PA 18966-4702. Authorization No. WH0428. Effective November 1, 2002.

**Allenwood Federal Prison Camp**, P. O. Box 1000, Lewisburg, PA 17837-0000. Authorization No. WH0441. Effective November 1, 2002.

**Empire Environmental, Inc.**, P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0443. Effective October 29, 2002.

**Empire, Inc.**, P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0444. Effective October 29, 2002.

**Empire Environmental Services, Inc.**, P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0445. Effective October 29, 2002.

**Upon This Rock**, P. O. Box M, Clinton, PA 15026-1532. Authorization No. WH0446. Effective October 29, 2002.

**Sterner Sanitation**, 1337 North Troxell Street, Allentown, PA 18109. Authorization No. WH0447. Effective October 29, 2002.

**Riverside Disposal LLC**, P. O. Box 960, New Castle, DE 19720. Authorization No. WH0449. Effective October 29, 2002.

**North East Borough**, Erie County, 31 West Main Street, North East, PA 16428-4265. Authorization No. WH0511. Effective October 29, 2002.

**Markey Builders, Inc.**, 1732 West King Street, York, PA 17404-5697. Authorization No. WH0512. Effective October 29, 2002.

**Ransom Quarry Co., Inc.**, 1001 Underwood Road, Olyphant, PA 18447. Authorization No. WH0513. Effective November 1, 2002.

**Goodwill Industries of Southeastern PA**, 1048 N. Plum St., Lancaster, PA 17601. Authorization No. WH0514. Effective October 29, 2002.

**York Railway Co.**, Suite 220, 204 North George Street, York, PA 17401. Authorization No. WH0515. Effective October 29, 2002.

**Samuel I. Minder Nurseries, Inc.**, 261 Stehman Road, Lancaster, PA 17603-9678. Authorization No. WH0516. Effective October 29, 2002.

**Garys Septic Service**, P. O. Box 333, Pipersville, PA 18947. Authorization No. WH0517. Effective October 29, 2002.

**Rees Exit 22 Truckstop, Inc.**, 514 East Sycamore Road, P. O. Box 265, Snow Shoe, PA 16874. Authorization No. WH0518. Effective October 29, 2002.

**The Heritage Group Associates, Inc.**, 2771 Lincoln Highway East, Ronks, PA 17572-0219. Authorization No. WH0519. Effective October 29, 2002.

**Driftstone, Inc.**, 2731 River Road, Mount Bethe, PA 18343-6115. Authorization No. WH0520. Effective November 1, 2002.

**Fox Construction, Inc.**, 3728 Langford Road, North Collins, NY 14111-9715. Authorization No. WH0531. Effective November 1, 2002.

**Giordano Carting, Inc.**, 291 Clearstream Road, Jackson, NJ 08527-2012. Authorization No. WH0532. Effective November 1, 2002.

**State College Borough, Centre County**, 118 South Fraser Street, State College, PA 16801. Authorization No. WH0534. Effective November 1, 2002.

**E. S. Vile & Sons, Inc.**, P. O. Box L 365, Langhorne, PA 19047. Authorization No. WH0535. Effective November 1, 2002.

**A. J. Catagnus, Inc.**, 1299 West James Street, Norristown, PA 19401-3626. Authorization No. WH0537. Effective November 1, 2002.

**Sanico, Inc.**, P. O. Box 178, 77 Route 46, Delaware, NJ 07833-0176. Authorization No. WH0538. Effective November 1, 2002.

**International Trucking**, 372 Wilson Avenue, Brooklyn, NY 11221. Authorization No. WH0539. Effective November 1, 2002.

**EMH Consulting, Inc.**, 1774 East 93rd Street, Brooklyn, NY 11236. Authorization No. WH0540. Effective November 1, 2002.

**John T. Gordish d/b/a Gordish Sanitation**, P. O. Box 63, Lot 77, School Street, Slickville, PA 15684. Authorization No. WH0541. Effective November 1, 2002.

**Ron Ziegler Disposal Service, Inc.**, P. O. Box 263, Pipersville, PA 18947-0263. Authorization No. WH0542. Effective November 1, 2002.

**Ted Heaps Container Service**, 388 Jerseytown Road, P. O. Box 208, Millville, PA 17846-9762. Authorization No. WH0543. Effective November 1, 2002.

**William Carter Co.**, 40 Glenbrook Road, Leola, PA 17540-1301. Authorization No. WH0544. Effective November 1, 2002.

**SECCRA Landfill**, P. O. Box 221, Kennett Square, PA 19348. Authorization No. WH0545. Effective November 1, 2002.

**Brandenburg Industrial Service Co.**, 1905 East 4th St, Bethlehem, PA 18015-2201. Authorization No. 0546. Effective November 1, 2002.

**M & F Trucking & Sanitation, Inc.**, 458 Castle Street, Johnstown, PA 15906. Authorization No. WH0547. Effective November 1, 2002.

**Melvin E. Cassel Enterprises, Inc.**, P. O. Box 21, Grantville, PA 17028-0021. Authorization No. WH0548. Effective November 1, 2002.

**Sam S. Smucker & Sons, Inc.**, 2133 Rockvale Road, Lancaster, PA 17602. Authorization No. WH0549. Effective November 1, 2002.

**Anchor Hauling, Inc.**, 1555 Fieldwood Road, Southampton, PA 18966. Authorization No. WH0550. Effective November 1, 2002.

**Chambers Disposal**, 161 Groff Road, Quarryville, PA 17566. Authorization No. WH0551. Effective November 1, 2002.

**Sam's Transport**, P. O. Box 241, Industrial Road, Georgetown, MA 01833-0241. Authorization No. WH0552. Effective November 1, 2002.

**Glen Mills Sand & Gravel**, 5000 Pennell Road, Media, PA 19063-5851. Authorization No. WH0553. Effective November 1, 2002.

**County Environmental Services, Inc.**, 344 Walley Run Road, P. O. Box 237, Leeper, PA 16233-4128. Authorization No. WH0554. Effective November 1, 2002.

**Ian Andrew Tsoi**, 24 Wellspring Drive, Bear, DE 19701. Authorization No. WH0556. Effective November 1, 2002.

**Gregory R. Tsoi**, 1379 Arrow Way, Bear, DE 19701. Authorization No. WH0557. Effective November 1, 2002.

**James M. Slanga**, P. O. Box 261, 2070 Creek Road, Glenmoore, PA 19343. Authorization No. WH0558. Effective November 1, 2002.

**Betty A. Moor**, 4324 Sweeney Circle, Brookhaven, PA 19015. Authorization No. WH0559. Effective November 1, 2002.

**Edward R. Matthews**, 100 Dearborne Avenue, Blackwood, NJ 08012. Authorization No. WH0560. Effective November 1, 2002.

**Dale G. Harris**, P. O. Box 297, 11 Vernon Street, Alloway, NJ 08001. Authorization No. WH0561. Effective November 1, 2002.

**E. G. Son Trucking, Inc.**, 12 Liberty Street, Freehold, NJ 07728. Authorization No. WH0562. Effective November 1, 2002.

**Walter Calle**, 519 East Lincoln Highway, Coatesville, PA 19320. Authorization No. WH0563. Effective November 1, 2002.

**Bruns Service**, P. O. Box 1323, Cherry Hill, NJ 08034. Authorization No. WH0564. Effective November 1, 2002.

**James B. Burns**, P. O. Box 1323, Cherry Hill, NJ 08034. Authorization No. WH0565. Effective November 1, 2002.

**Randolph N. Brensinger**, 151 Black Berry Road, Boyertown, PA 19512. Authorization No. WH0566. Effective November 1, 2002.

**Tinari Container Service, Inc.**, 1040 Churchville Road, Southampton, PA 18966-4702. Authorization No. WH0567. Effective November 1, 2002.

**Erie City, Erie County**, Suite 400, 626 State Street, Erie, PA 16501-1128. Authorization No. WH0570. Effective November 1, 2002.

**Andres Trucking Inc.**, 1919 South Clinton Avenue, Trenton, NJ 08611. Authorization No. WH0260. Effective October 23, 2002.

**Norm Fish and Pat Fish**, R. R. 2 Box 2200, East Stroudsburg, PA 18301-9635. Authorization No. WH0346. Effective October 23, 2002.

**Preston Heckler**, 648 Upper State Road, North Wales, PA 19454. Authorization No. WH0347. Effective October 23, 2002.

**Cambria Roofing & Remodeling Inc.**, 439 Chestnut Street, Conemaugh, PA 15909-1902. Authorization No. WH0361. Effective October 23, 2002.

**Salvation Army**, 4555 Pechin Street, Philadelphia, PA 19128. Authorization No. WH0362. Effective October 23, 2002.

**Mario R. Bravo**, 61 Lincoln Highway No. 9, South Kearny, NJ 07032. Authorization No. WH0363. Effective October 23, 2002.

**Natural Soil Products**, P. O. Box 283, Tremont, PA 17981-0283. Authorization No. WH0369. Effective October 23, 2002.

**Eazy Move LLC**, 1187 Passer Road, Coopersburg, PA 18036-9631. Authorization No. WH0370. Effective October 23, 2002.

**Stonesifer & Sons Sanitation Inc.**, 791 Sell Station Road, Littlestown, PA 17340. Authorization No. WH0434. Effective October 23, 2002.

**Bonded Applicators Inc.**, 68 East Main Street, Waynesboro, PA 17268. Authorization No. WH0435. Effective October 23, 2002.

**Cumberland Valley Land Clearing Inc.**, 6820 Wertzville Road, Enola, PA 17025. Authorization No. WH0436. Effective October 23, 2002.

**Boyd Diller Inc.**, 6820 Wertzville Road, Enola, PA 17025-1032. Authorization No. WH0437. Effective October 23, 2002.

**Strong Excavating**, R. R. 2 Box 446N, Sayre, PA 18840. Authorization No. WH0439. Effective October 23, 2002.

**American Scrap Metal**, 1062 Bethel Road, Boothwyn, PA 19061. Authorization No. WH0440. Effective October 23, 2002.

**Berky's Inc.**, 113 Conrad Road, Fleetwood, PA 19522. Authorization No. WH0501. Effective October 23, 2002.

**Doolittle Digging**, R. R. 2 Box 161, Vandergrift, PA 15690. Authorization No. WH0503. Effective October 24, 2002.

**S. A. R. Automotive Equipment Inc.**, 100 Route 130 North, Collingswood, NJ 08108. Authorization No. WH0504. Effective October 24, 2002.

**C. M. Gross & Sons Inc.**, 2361 Tower Drive, Dover, PA 17315-4441. Authorization No. WH0505. Effective October 24, 2002.

**Don Stevens Tire Company Inc.**, 60 Curtiss Street, Southington, CT 06489. Authorization No. WH0506. Effective October 24, 2002.

**Adelphia Demolition & Recycling Inc.**, P. O. Box 139, Adelphia, NJ 07710-0139. Authorization No. WH0507. Effective October 28, 2002.

**Seagull Environmental LLC**, 311 Sumneytown Pike, North Wales, PA 19454. Authorization No. WH0509. Effective October 24, 2002.

**Hatboro Borough**, 414 S. York Road, Hatboro, PA 19040. Authorization No. WH0510. Effective October 24, 2002.

**Calle Trucking**, 519 East Lincoln Highway, Coatesville, PA 19320. Authorization No. WH0524. Effective October 28, 2002.

**Oakdale Borough, Allegheny County**, 6115 Nobles-town Road, Oakdale, PA 15071-1347. Authorization No. WH0526. Effective October 28, 2002.

**M & R Casale Trucking Inc.**, Marginal Road, P. O. Box 70, New Stanton, PA 15672. Authorization No. WH0527. Effective October 28, 2002.

**Elk Waste Services Inc.**, 134 Sara Road, Saint Marys, PA 15857. Authorization No. WH0528. Effective October 28, 2002.

**Earl J. Bullers & Son**, 252 Ash Street, P. O. Box 248, Ridgway, PA 15853-1602. Authorization No. WH0529. Effective October 28, 2002.

**Kenneth B. Raby**, 160 Corby Road, Westgrove, PA 19390-9422. Authorization No. WH0530. Effective October 28, 2002.

**Wayne Township**, 475 Valley Road, Wayne, NJ 07470-3586. Authorization No. WH0364. Effective October 23, 2002.

**D & K Disposal Inc.**, 312 North West End Boulevard, Quakertown, PA 18951-2310. Authorization No. WH0365. Effective October 23, 2002.

**Warren A. Downs Rubbish Removal**, 318 Manor Road, Hatboro, PA 19040. Authorization No. WH0366. Effective October 23, 2002.

**Archer L. Morgan, Jr.**, 128 City Mill Road, Lancaster, PA 17602-3808. Authorization No. WH0367. Effective October 23, 2002.

**Burlington Township**, P. O. Box 340, 1108 Oxmead Road, Burlington, NJ 08016. Authorization No. WH0368. Effective October 23, 2002.

**Lehigh Valley Home Maintenance**, 105 Mile Road, Easton, PA 18042. Authorization No. WH0521. Effective November 4, 2002.

**Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. Authorization No. WH0523. Effective November 4, 2002.

## AIR QUALITY

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**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.**

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

**25-997: North Coast Energy, Inc.—Gates Compressor** (Lindsey Hallow Road, Erie, PA 16509) on October 31, 2002, for operation of a natural gas production facility in Concord Township, **Erie County**.

**43-330: North Coast Energy, Inc.—Bauder Compressor** (Greenville Jamestown Road, Jamestown, PA 16134) on October 31, 2002, for operation of a natural gas production facility in Green Township, **Mercer County**.

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**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.**

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

**39-0064: Howmet Castings** (an Alcoa Business, 2175 Avenue C, Bethlehem, PA 18017) on October 25, 2002, for approval of the company's RACT application for the shell room and associated air cleaning device in Bethlehem, **Lehigh County**.

**54-301-040A: Magdalene** (P. O. Box 215, West Main Street, Ringtown, PA 17967) on October 30, 2002, for

construction of a crematory and associated air cleaning device at their facility in Ringtown Borough, **Schuylkill County**.

**35-399-038: Flexible Foam Products, Inc.** (P. O. Box 124, Spencerville, OH 45887) for construction of a polyurethane foam production operation at their facility in Archbald Borough, **Lackawanna County**.

**40-303-021: Hazleton Materials LLC** (P. O. Box 1394, 2052 Lucon Road, Skippack, PA 19474) on October 30, 2002, for construction of a batch asphalt plant and associated air cleaning device. The plant will be capable of utilizing waste derived liquid fuel and recycled asphalt in the mix, at their facility in Foster Township, **Luzerne County**.

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

**ER-01-05029A: Reliant Energy Hunterstown, LLC** (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907) on October 29, 2002, for emission reduction credits for a natural gas fired electric generating facility at the Hunterstown Electrical Generation Station in Straban Township, **Adams County**.

**ER-21-05023: The Quaker Oats Co.** (P. O. Box 049001, Suite 13, Chicago, IL 60604-9001) on October 29, 2002, for emission reduction credits for a cereal production facility at the Shiremanstown Plant in Hampden Township, **Cumberland County**.

**67-05004F: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) on October 30, 2002, for installation of a bleach plant scrubber system in Spring Grove Borough, **York County**. This facility is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.

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

**42-158F: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on October 15, 2002, for modification of a flaker system in Sergeant Township, **McKean County**.

**43-287B: Jones Performance Products, Inc.** (No. 1 Jones Way, West Middlesex, PA 16159) on October 28, 2002, for modification of the VOC emission limit in West Middlesex, **Mercer County**.

**25-090B: Zurn Industries, Inc.—Cast Metal Div.** (1301 Raspberry Street, Erie, PA 16502) on October 22, 2002, for modification of the cupola and associated air cleaning devices in Erie, **Erie County**.

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**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.**

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

**46-0227: W. A. Schmidt, Inc.** (38 Souderton Pike, Franconia, PA 18924) on October 31, 2002, for operation of a spray paint conveyor line in Franconia Township, **Montgomery County**.

**15-301-086: Pet Memorial Services Corp.** (319 West-town Road, Suite Q, West Goshen, PA) on October 31, 2002, for operation of a cremator for animal remains in West Goshen Township, **Chester County**.

**46-0213: Cremation Society of Pennsylvania** (371 East Church Road, King of Prussia, PA 19406) October 31, 2002, for operation of a gas fired crematory in Upper Merion Township, **Montgomery County**.

*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 October 29, 2002, for installation of two boilers at the Monessen Coke Plant in Monessen, **Westmoreland County**. This plan approval was extended.

**30-00143A: Dana Mining Co. of PA, Inc.** (P. O. Box 1209, Morgantown, WV 26507) on October 31, 2002, for construction of a coal preparation plant at Titus Deep Mine in Dunkard Township, **Green County**. This plan approval was extended.

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

**20-145A: PPG Industries, Inc. Works No. 8** (Kebert Industrial Park, Meadville, PA 16335) on October 31, 2002, for a glass melting furnace in Greenwood Township, **Crawford County**.

**42-176H: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on October 30, 2002, for modifications to the MDF plant in Sergeant Township, **McKean County**.

**42-176G: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on October 30, 2002, for modifications to the MDF plant in Sergeant Township, **McKean County**.

**42-158E: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on October 30, 2002, for modifications to the particleboard plant in Sergeant Township, **McKean County**.

**42-158D: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on October 30, 2002, for modifications to the particleboard plant in Sergeant Township, **McKean County**.

**24-131D: SGL Carbon, LLC** (900 Theresia Street, St. Marys, PA 15857) on October 31, 2002, for modifications to Building 600 machining processes in St. Marys, **Elk County**.

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

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

**15-00046: Sunoco Pipeline L. P.** (1801 Market Street, Philadelphia, PA 19103) located in West Brandywine Township, **Chester County**. On November 1, 2002, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Pipeline Company. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V

Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 8, 2001.

**15-00043: Sunoco Partners Marketing and Terminals L. P.** (Lincoln Highway and Malin Road, Malvern, PA 19355) located in East Whiteland Township, **Chester County**. On November 1, 2002, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R&M). The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 25, 1999.

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

**61-00004: Electralloy, A.G.O. Carlson, Inc. Co.** (175 Main Street, Oil City, PA 16301) for operation of several miscellaneous natural gas combustion units, an electric arc furnace, two argon oxygen refiners, tapping and charging associated with the EAF and the AODs, ingot mold pouring area, tumbleblast, four anneal furnaces, vacuum arc remelt, electro slag remelt, granular metal process and the ladle preheaters in Oil City, **Venango County**. The initial Title V permit (issued on October 14, 1997, and revised on February 24, 1999, and on March 7, 2002) was reissued on October 31, 2002. The reissued permit expires on October 31, 2007. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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**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.**

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

**23-00053: Delaware County Memorial Hospital** (Lansdowne and Keystone Avenues, Drexel Hill, PA 19026) on October 30, 2002, for operation of a Natural Minor Operating Permit in Upper Darby Township, **Delaware County**.

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

**36-05086: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) on October 30, 2002, for operation of a gray/ductile iron foundry in Mount Joy Borough, **Lancaster County**.

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**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.**

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

**15-302-084: Merck and Co., Inc.** (466 Devon Park Drive, Wayne, PA 19087) on October 29, 2002, for two boilers and a generator in Tredyffrin Township, **Chester County**.

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

**25-00197: Erie Bronze and Aluminum Co.** (6300 West Ridge Road, Erie, PA 16505) for an administrative amendment to the previously issued Natural Minor Operating Permit incorporating changes authorized by Plan Approvals 25-197B and 25-197C. The facility is in Fairview Township, **Erie County**.

**61-00147: Department of Public Welfare—Polk Center** (Route 62, P. O. Box 94, Polk, PA 16342) for operation of its psychiatric hospital in Polk Borough, **Venango County**. The Title V permit (reissued on August 21, 2002) was administratively amended on October 2, 2002, to correct typographical errors.

**10-00028: Armstrong Cement and Supply Corp.—Winfield Plant** (100 Clearfield Road, Cabot, PA 16923) for operation of its facility in Winfield Township, **Butler County**. The permit is being administratively amended to incorporate changes brought about through Plan Approval Number: PA10-0028H. The EPA and public comment periods were addressed during the plan approval process.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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); and 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).**

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*Coal Permits Actions*

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

**54860110R3. Reading Anthracite Company** (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation

in Foster Township, **Schuylkill County** affecting 99.0 acres, receiving stream: none. Application received March 13, 2002. Renewal issued October 31, 2002.

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

**17970118 and NPDES Permit No. PA 0237841. Junior Coal Contracting, Inc.**, R. R. 3, Box 225-A, Philipsburg, PA 16866. Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 71.6 acres. Receiving streams: Shimmel Run. Application received September 6, 2002. Permit issued November 1, 2002.

**17860136 and NPDES Permit No. PA 0115631. E. M. Brown, Inc.**, P. O. Box 767, Clearfield, PA 16830. Renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 88.2 acres. Receiving streams: Browns Run and unnamed tributary of Moshannon Creek and Grassflat Run, all tributaries to the West Branch of the Susquehanna River. Application received April 19, 2002. Permit issued October 30, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30841316. NPDES Permit PA0213535, Consol Pennsylvania Coal Co.** (Group I Operations, P. O. Box 355, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add no. 1 bleeder shaft, Surface Acres Proposed 10.6, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Dunkard Fork, classified for WWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 21, 2002.

**30841307. NPDES Permit PA0213438, RAG Emerald Resources, L. P.** (P. O. Box 1020, Waynesburg, PA 15370), to approve Chapter 105 permit application and request for 401 Water Quality Certification, accepted on August 7, 2002, to authorize the restoration of approximately 9,000 linear feet of Laurel Run (WWF) to premining conditions, resulting from surface subsidence associated with coal extraction for the Emerald Mine No. 1 in Franklin Township, **Greene County**, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Laurel Run, classified for WWF, LWS, WWS. The first downstream potable water supply intake from the point of discharge is N/A. No public water supply intake within 10 miles downstream of edge of underground permit area. Permit issued October 23, 2002.

**03871303. NPDES Permit PA0213667, TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Darmac No. 2 deep mine in Plumcreek and Armstrong Townships, **Armstrong and Indiana Counties**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 24, 2002.

**30841312. NPDES Permit PA0013790, Consolidation Coal Co.**, P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville Mine No. 2 in Wayne Township, **Greene County**, revision for 23 degasification boreholes and 11.0 surface acres, Surface Acres Proposed 11.0, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Hoovers Run, classified for WWS, Bulldog Run, classified for WWS, Rush Run, classified for IWS. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 25, 2002.

#### *Noncoal Permits Actions*

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

**53020801. Roger Long**, 242 West Branch Road, Galeton, PA 16922. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) Permit in Abbott Township, **Potter County** affecting 3 acres. Receiving streams: unnamed tributary to Little Kettle Creek. Application received June 25, 2002. Permit issued October 23, 2002.

**08020806. Strong Excavating**, R. R. 2, Box 446N, Sayre, PA 18840. Commencement, operation and restoration of a Small Industrial Minerals (Shale) Permit in Ridgebury Township, **Bradford County** affecting 1.5 acres. Receiving streams: tributary to Bentley Creek. Application received June 5, 2002. Permit issued October 23, 2002.

**53010805. Harriet Winseck**, 65 W. Carley Hill Road, Roulette, PA 16746. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) Permit in Clara Township, **Potter County** affecting 1 acre. Receiving streams: Fishing Creek, tributary to Fishing Creek. Application received July 10, 2001. Permit issued October 23, 2002.

**08020810. Henry Allen Mast**, R. D. 2, Box 71B1, Leraysville, PA 18829. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) Permit in Pike Township, **Bradford County** affecting 3 acres. Receiving streams: tributary to Wyalusing Creek. Application received August 20, 2002. Permit issued October 23, 2002.

**08020804. Walter Flagstone, Inc.**, R. R. 1, Box 40, Sugar Run, PA 18846. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) Permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: Wyalusing Creek, tributary to North Branch Susquehanna River. Application received April 29, 2002. Permit issued October 23, 2002.

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

**03010407. Stitt Coal Company** (R. D. 1, Box 197A, Ford City, PA 16226). Permit revised to approve a three pit variance at an existing noncoal surface mine located in Kittanning Township, **Armstrong County**, affecting 251.5 acres. Receiving streams: Garretts Run to Allegheny River. Application received August 26, 2002. Permit revision issued October 31, 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.*

**67024037. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Conewago Township, **York County** with an expiration date of November 15, 2004. Permit issued October 28, 2002.

**46024061. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Hatfield Township, **Montgomery County** with an expiration date of November 10, 2003. Permit issued October 28, 2002.

**15024030. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Valley Township, **Chester County** with an expiration date of November 10, 2003. Permit issued October 28, 2002.

**21024053. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Shippensburg Township, **Cumberland County** with an expiration date of April 30, 2003. Permit issued October 28, 2002.

**52024025. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Delaware Township, **Pike County** with an expiration date of September 26, 2003. Permit issued October 28, 2002.

**09024033. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Buckingham Township, **Bucks County** with an expiration date of May 7, 2003. Permit issued October 28, 2002.

**21024052. Cumberland Valley Drilling & Blasting, Inc.** (6820 Wertzville Road, Enola, PA 17025), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of November 15, 2003. Permit issued October 28, 2002.

**45024076. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Hamilton Township, **Monroe County** with an expiration date of December 31, 2006. Permit issued October 28, 2002.

**38024030. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in West Cornwall Township, **Lebanon County** with an expiration date of November 7, 2003. Permit issued October 29, 2002.

**67024039. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in Washington Township, **York County** with an expiration date of October 15, 2003. Permit issued October 29, 2002.

**46024062. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in

Salford Township, **Montgomery County** with an expiration date of November 13, 2003. Permit issued October 29, 2002.

**22024015. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of November 7, 2007. Permit issued October 29, 2002.

**28024031. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Guilford Township, **Franklin County** with an expiration date of November 15, 2003. Permit issued October 29, 2002.

**67024038. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Windsor Township, **York County** with an expiration date of November 7, 2007. Permit issued October 29, 2002.

**360240117. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of February 7, 2003. Permit issued October 29, 2002.

**06024044. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Marion Township, **Berks County** with an expiration date of November 7, 2003. Permit issued October 29, 2002.

**09024034. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Warrington Township, **Bucks County** with an expiration date of November 30, 2002. Permit issued October 30, 2002.

**45024077. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Paradise Township, **Monroe County** with an expiration date of October 2, 2003. Permit issued October 30, 2002.

**52024026. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of October 2, 2003. Permit issued October 30, 2002.

**64024011. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lake Township, **Wayne County** with an expiration date of October 3, 2003. Permit issued October 30, 2002.

**360240125. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of November 30, 2003. Permit issued October 31, 2002.

**360240124. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manheim Township, **Lancaster County** with an expiration date of November 30, 2003. Permit issued October 31, 2002.

**06024045. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Wyomissing Borough, **Berks County** with an expiration date of November 15, 2003. Permit issued October 31, 2002.

**45024079. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of October 5, 2003. Permit issued October 31, 2002.

**45024078. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle

Smithfield Township, **Monroe County** with an expiration date of October 3, 2003. Permit issued October 31, 2002.

**40024024. Willis Ide & Son** (R. D. 2, 124 Cropp Road, Hunlock Creek, PA 18621) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Lehman Township, **Luzerne County** with an expiration date of November 30, 2002. Permit issued October 31, 2002.

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

**14024025. Paradise Contracting**, 225 Paradise Road, Bellefonte, PA 16823, for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 20 days. Permit issued October 29, 2002.

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

**65024005. Penn Transportation Services, Inc.** for construction, located in Murrysville and Salem Townships, **Westmoreland County**, with an expected duration of 12 months. Permit issued October 31, 2002.

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

**24024001. Superior Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846). Blasting activity permit to blast at Superior Greentree Landfill, LLC for the construction of landfill disposal cells in Fox Township, **Elk County** for unknown duration. Application received September 27, 2002. Application issued September 30, 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.

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**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.)

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*Permits Issued and Actions on 401 Certifications*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

To modify and maintain an existing single-family residence in the floodway of the Delaware River. The structure will be extended by approximately 56.5 feet to the north, with the addition supported on concrete piers. New deck areas will be constructed on the south side of the residence (approximately 8 feet by 24 feet), the west side (approximately 8 feet by 26 feet) and the east side (approximately 14 feet by 26 feet). The project is located along Tammany Flats Road (Callicoon, NY-PA Quadrangle N: 0.3 inch; W: 7.5 inches)

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

**E07-352. Altoona Blair County Development Corporation**, 4500 Sixth Avenue, Altoona, PA 16602 in Greenfield Township, **Blair County**, ACOE Baltimore District.

To impact 0.26 acre of isolated, emergent wetlands within the watershed of South Poplar Run (CWF) at the William W. Ward Industrial Park along SR 3002 for the purpose of developing industrial lots (Roaring Spring, PA Quadrangle N: 7.5 inches; W: 11.9 inches) in Greenfield Township, Blair County. The permittee will restore 0.27 acre of emergent wetlands as mitigation.

**E36-741. Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in East Donegal and Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structures and to construct and maintain: (1) a bridge having a single span of 91.5 feet on a 45 degrees skew with an underclearance of 9.5 feet across Little Chickies Creek (TSF) on SR 4003, Section 002, Segment 0110, Offset 0000 (Longnecker Road); and (2) a 48-inch diameter reinforced concrete pipe culvert at the channel of an unnamed tributary to Little Chickies Creek on Longnecker Road (Columbia East, PA Quadrangle N: 19.0 inches; W: 16.4 inches) in East Donegal and Rapho Township, Lancaster County.

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

**E02-1310 A. Pittsburgh Sports and Exhibition Authority**, Regional Enterprise Tower, Suite 2750, 425 Sixth Avenue, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

This amendment authorizes the construction and maintenance of a public park to be known as the Great Lawn. This project will consist of fill in the floodplain, sidewalks, a Law Enforcement Officers Memorial and a Belvedere on the old Manchester Bridge pier (Pittsburgh West, PA Quadrangle N: 12.7 inches; W: 1.6 inches).

**E02-1371. Robert McCrackin**, 791 Pearce Mill Road, Wexford, PA 15090. Pine Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in a de minimis wetland (PEM/PSS) and to construct and maintain a three sided concrete box bridge having a span of 16 inches and under clearance of 5 feet across the North Fork Pine Creek (CWF) to provide access to a proposed residence. The bridge will be located on the west side of Pearce Mill Road approximately 0.5 mile north of its intersection with Route 910 (Mars, PA Quadrangle N: 1.5 inches; W: 3.7 inches).

**E02-1384. Elizabeth Township**, 522 Rock Run Road, Buena Vista, PA 15018-0509. Elizabeth Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in the floodway of and along the left bank of the Youghiogheny River (WWF) for the purpose of improving the Industry Park Ballfield. The project is located on the east side of Scott Haven Road, approximately 900 feet north from the intersection of Scott Haven Road and Seneca Street. This permit also authorizes the construction and maintenance of an outfall structure (McKeesport, PA Quadrangle N: 3.3 inches; W: 6.0 inches).

**E63-522. Ted Taylor Builders**, 608 East McMurray Road, Suite 101, McMurray, PA 15317. Peters Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a stormwater pond within a tributary to Peters Creek (TSF) as part of a development known as Old Trails. The project is located on the west side of Turkeyfoot Road approximately 1,100 feet north of its intersection with Bebout Road (Bridgeville, PA Quadrangle N: 3.8 inches; W: 6.7 inches). This permit also authorizes the placement of fill in 0.065 acre of wetlands for the purpose of constructing a proposed roadway to be known as Blackmore Drive. The roadway will be located on the west side of Church Road approximately 3,300 feet south of its intersection with Turkeyfoot Road. This project will also impact approximately 1,500 feet of stream channels; these channels qualify for authorization under the Department's waiver 105.12(a)(2). For stream impact mitigation the applicant will obtain a conservation easement for a distance of 1,200 linear feet and 30 feet wide. The mitigation area is located downstream of the project area. To meet the wetland replacement requirement the applicant has made a payment to the Wetland Replacement Fund (Bridgeville, PA Quadrangle N: 3.6 inches; W: 5.2 inches)

#### ENVIRONMENTAL ASSESSMENTS

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

**EA21-003. New Cumberland Borough**, 1120 Market Street, New Cumberland, PA 17070, New Cumberland Borough, **Cumberland County**, ACOE Baltimore District.

To authorize under 25 Pa. Code § 105.12(a)(16) for the construction and maintenance of 3,000 linear feet of stream stabilization by establishing riparian buffers, installing riprap and gabion baskets, within the Yellow Breeches Creek (HQ-CWF) for the purpose of protecting the stream banks and eliminate sediment pollution caused by bank erosion at a location within the New Cumberland Borough, Cumberland County.

#### SPECIAL NOTICES

##### **Notice of Intent to Renew a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments and Opportunity for a Public Hearing**

The Department of Environmental Protection (Department) intends to issue Tobyhanna Army Depot, Permit No. PAD5213820892, a draft permit renewal. This draft permit is for the renewal of a hazardous waste storage facility located in Coolbaugh Township, Monroe County.

Section 270a.80(2) of 25 Pa. Code states that the Department is to give public notice of that a draft permit is prepared under 25 Pa. Code § 270a.10(c).

Section 270a.80(b) of 25 Pa. Code requires that the public be given 45 days to comment on the draft permit prepared under the Solid Waste Management Act. The comment period will begin on November 21, 2002, and will end on January 7, 2003. Persons interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact Robert C. Wallace at (570) 826-2511 for further information.

Persons wishing to comment on the permit conditions or permit application should submit the comments in writing to William Tomayko, Regional Solid Waste Manager, Department of Environmental Protection, Waste

Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should include all reasonable available references, factual grounds and supporting materials.

A public hearing is scheduled at the Coolbaugh Township Municipal Building on January 7, 2003, at 7 p.m. The hearing will be held on the Department's draft permit for hazardous waste storage.

When making a determination regarding the issuance of a hazardous waste permit to Tobyhanna Army Depot, the Department will consider all written comments received during the comment period, oral or written statement received during the public hearing (if requested),

the requirements of 25 Pa. Code §§ 260—270 and the Department's permitting policies.

The Tobyhanna Army Depot is a United States military support and service facility located in Monroe County. Activities at the base include: fabrication and repair/rebuilding of military electronic and communication equipment, printed circuit board fabrication, metal surfaces preparation, painting, metal finishing and vehicle maintenance. Waste generated as a result of these activities include: spent plating solutions, alkalis, acids, sand-blasting residues, waste stripper solvent and solid residues and sludges. This draft permit renewal is for the continued operation of a hazardous waste facility in Coolbaugh Township.

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#### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of October 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>
Biechler & Tillery, Inc.	2843 North Front Street Harrisburg, PA 17110	Testing
Remi Briand	49 Springhouse Road Lancaster, PA 17603	Testing
Michael Buckley	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Jeanne Buckley	2575 Giant Oaks Drive Pittsburgh, PA 15241	Testing
Kevin Crane Crane Enterprises, Inc.	282 Union Avenue Williamsport, PA 17701	Testing
Daniel Festa Festa Radon Technologies Company	634 North Avenue Pittsburgh, PA 15209	Mitigation
Kevin Fischer	P. O. Box 586 Yardley, PA 19067	Testing
Cathleen Flood	P. O. Box 191 Centre Hall, PA 16828	Testing
Christopher Ford	1831 Riverside Drive Philadelphia, PA 19154	Mitigation
Todd Giddings	3049 Enterprise Drive State College, PA 16801	Testing and Mitigation
John Gogal Choice Environmental Solutions	P. O. Box 65 Brodheadsville, PA 18322	Mitigation
Richard Gross	1612 Todd Lane Chester Springs, PA 19425	Testing
Housing Inspection Services, Inc.	P. O. Box 373 Murrysville, PA 15668	Testing
JCN Radon Services	R. R. 2, Box 46A Sunbury, PA 17801	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Daniel Jones Alpha Detection & Control	6 Chestwood Drive Connellsville, PA 15425	Mitigation
Ronald Kuntz	703 Main Street P. O. Box 174 Alexandria, PA 16611	Testing
James LaMonaca	332 Kerr Drive Johnstown, PA 15904	Testing
Margaret Payne	500 Carothers Avenue Carnegie, PA 15106	Testing
Randolph Payne	500 Carothers Avenue Carnegie, PA 15106	Testing
Roger Priest	P. O. Box 200 Salfordville, PA 18358	Mitigation
Jacqueline Rutter	P. O. Box 191 Centre Hall, PA 16828	Testing
Marc Shanley	710 Frost Hollow Road Easton, PA 18040	Testing
John Urenovitch	75 South Hunter Highway Drums, PA 18222	Testing
Glen Vernon Certified Radon Services	200 Newburn Avenue Pittsburgh, PA 15227	Testing

## BUREAU OF DEEP MINE SAFETY

### Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from Maple Creek Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida at (724) 439-7469 or from the Bureau's website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 3 days following the publication of this notice. Comments should be sent to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) of the act states that whenever any working place in a mine approaches within 50 feet of abandoned workings certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected, or within 200 feet of any other abandoned workings, boreholes shall be drilled at least 20 feet in advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into

the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of working place as may be necessary for adequate protection of persons working in the place. The Governor's Administrative Order states that whenever a mine approaches within 500 feet of workings that have not been identified by "hard or credible" evidence, drilling according to section 224(b) of the act is required.

Summary of the Request: Maple Creek Mining, Inc., High Quality Mine requested a variance from section 224(b) of the act to drill multiple long horizontal holes approximately 50 feet from the old abandoned mines around the perimeter of High Quality Mine to confirm that the mines have not encroached into the High Quality reserves.

[Pa.B. Doc. No. 02-2062. Filed for public inspection November 15, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of About Feet Podiatry Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that About Feet Podiatry Center has requested an exception to the requirements of 28

Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.F2c, 9.5.F3, 9.5.F4, 9.5.F5a, 9.5.F5c, 9.5.F5d, 9.5.F5.i, 9.5.F5j and 9.5.F5m.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department, and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the numbers previously listed, 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. 02-2063. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Central Montgomery Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Central Montgomery Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 10.15.A.2 (relating to nursing unit patient room in rehabilitation facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department, and

require an auxiliary aid, service or other accommodation to do so, should contact the Division at the numbers previously listed, 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. 02-2064. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Elk Regional Professional Group for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Elk Regional Professional Group has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2065. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.14(b), 138.15 and 138.17 (relating to programs and services; high-risk cardiac catheterizations; and PTCA).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2066. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Greene County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Greene County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2067. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare

Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2068. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Mercy Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2069. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Mercy Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Hospital of Pittsburgh has

requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2070. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Philadelphia Institute of Cosmetic Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Philadelphia Institute of Cosmetic Surgery has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.30.B (relating to size of elevators).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department, and require an auxiliary aid service or other accommodation to do so, should contact the Division at the numbers

previously listed, 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. 02-2071. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.14(b), 138.15 and 138.17 (relating to programs and services; high-risk cardiac catheterizations; and PTCA).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2072. Filed for public inspection November 15, 2002, 9:00 a.m.]

### Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.2, 107.61 and 107.62 (relating to medical staff membership; written orders; and oral orders).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 02-2073. Filed for public inspection November 15, 2002, 9:00 a.m.]

**Drug, Device and Cosmetic Board Meeting**

The Department of Health's (Department) Drug, Device and Cosmetic Board (Board) will hold a meeting on Thursday, December 12, 2002, at 9 a.m. at 132 Kline Plaza, Suite A, Harrisburg, PA. The purpose of the meeting is for the Board to review petitions to reschedule the following drugs: Estazolam, Butorphanol, Buprenorphine, Sibutramine and Zolpidem. The petitions request the drugs be rescheduled or scheduled to reflect the current Federal schedule status.

For additional information, contact John Hair, Director, Bureau of Community Program Licensure and Certification at (717) 783-8665.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Hair at (717) 783-8665 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-2074. Filed for public inspection November 15, 2002, 9:00 a.m.]

**Health Policy Board Meeting**

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 11, 2002, at 10 a.m. in Room 907, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cynthia Trafton, Bureau of Health Planning, (717) 772-5298, e-mail ctrafton@state.pa.us 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].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-2075. Filed for public inspection November 15, 2002, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE**

**Medical Assistance Fee Schedule; Addition of Procedure Codes**

The Department of Public Welfare (Department) announces under 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes) that effective November 16, 2002, the following procedure codes will be added to the Medical Assistance (MA) Fee Schedule.

<i>Procedure Code</i>	<i>Description</i>	<i>MA Fee</i>
81002	Urinalysis, nonautomated, without microscopy	\$3.65
86580	Immunology, tuberculosis, intradermal	5.50
90732	Immunization, pneumococcal polysaccharide vaccine 23-valent, adult or immunosuppressed patient dosage, for use in individuals 2 years of age or older, for subcutaneous or intramuscular use	10.00
99173	Screening test of visual acuity, quantitative, bilateral	6.00
99435	History and examination of the normal newborn infant, including the preparation of medical records. (This code should only be used for newborns assessed and discharged from the hospital or birthing room on the same day.)	42.00

*Fiscal Impact*

The estimated cost for Fiscal Year 2002-2003 is \$429,000 (\$200,000 in State funds). Of this amount, \$343,000 (\$161,000 in State funds) relates to the Capitation program while \$87,000 (\$39,000 in State funds) is for MA-Outpatient services.

The estimated cost for Fiscal Year 2003-2004 is \$756,000 (\$348,000 in State funds). Of this amount, \$548,000 (\$254,000 in State funds) relates to the Capitation program while \$208,000 (\$94,000 in State funds) is for MA-Outpatient services.

*Comments*

Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Services, (800) 654-5984 (TTD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-340. (1) General Fund;

	<i>Outpatient</i>	<i>Capitation</i>
(2) Implementing year 2002-03 is	\$39,000	\$161,000
(3) 1st Succeeding year 2003-04 is	\$94,000	\$254,000
2nd Succeeding Year 2004-05 is	\$94,000	\$254,000
3rd Succeeding Year 2005-06 is	\$94,000	\$254,000
4th Succeeding Year 2006-07 is	\$94,000	\$254,000
5th Succeeding Year 2007-08 is	\$94,000	\$254,000
	<i>Outpatient</i>	<i>Capitation</i>
(4) 2001-02 Program—	\$649,055,000	\$2,037,376,000
2000-01 Program—	\$668,586,000	\$1,487,944,000
1999-00 Program—	\$622,669,000	\$1,384,763,000

(7) MA—Outpatient and MA—Capitation; (8) recommends adoption. The additional costs outlined have been included in the 2002-03 Executive Budget.

[Pa.B. Doc. No. 02-2076. Filed for public inspection November 15, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania New Year's Celebration Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania New Year's Celebration.

2. *Price:* The price of a Pennsylvania New Year's Celebration instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania New Year's Celebration instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania New Year's Celebration instant lottery game ticket will also contain a "Fast \$20" bonus area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$60\$ (SIXTY), \$100 (ONE HUN) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Balloon Symbol (BALLN) and Cake Symbol (CAKE).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Party Hat Symbol (HAT), Party Horn Symbol (HORN), Noisemaker Symbol (NOISEMKR), Balloons Symbol (BALNS), Confetti Symbol (CNFETI), Musical Note Symbol (MUSIC), Fireworks Symbol (FIREWKS), Flute Glass Symbol (GLASS), Pocket Watch Symbol (WATCH) and a Champagne Bottle Symbol (CHPGNE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$60\$ (SIXTY), \$100 (ONE HUN) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the "Your Symbols" area for "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$60\$ (SIXTY), \$100 (ONE HUN) and \$50,000 (FTY THO).

(c) The prize play symbols and their captions located in the "Fast \$20" bonus area are: \$20\$ (TWENTY) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are \$5, \$7, \$10, \$20, \$25, \$30, \$60, \$100 and \$50,000. The prizes that can be won in "Game 3" are: \$5, \$7, \$10, \$15, \$20, \$25, \$30, \$60, \$100 and \$50,000. The prize that can be won in the "Fast \$20" bonus is \$20.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,160,000 tickets will be printed for the Pennsylvania New Year's Celebration instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with three matching play symbols of \$60\$ (SIXTY) in the play area, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets with three matching play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching play symbols of \$5.<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$50,000 (FTY THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$100 (ONE HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$60\$ (SIXTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$30\$ (THIRTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$25\$ (TWY FIV) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching Balloon Symbol (BALLN) play symbols in the same row, column or diagonal, and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$60\$ (SIXTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast \$20" bonus area is: Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast \$20" bonus area, on a single ticket, shall be entitled to a prize of \$20.

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>Fast \$20 Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,160,000 Tickets</i>
	\$5			\$5	1:30	72,000
		\$5		\$5	1:30	72,000
			\$5	\$5	1:30	72,000
	\$7			\$7	1:60	36,000
		\$7		\$7	1:120	18,000
			\$7	\$7	1:120	18,000
			\$5 × 2	\$10	1:37.50	57,600
	\$10			\$10	1:300	7,200
		\$10		\$10	1:300	7,200
	\$5	\$5	\$5	\$15	1:60	36,000
		\$5	\$5 × 2	\$15	1:120	18,000
		\$10	\$5	\$15	1:120	18,000
	\$5	\$5	\$10	\$20	1:150	14,400
	\$10	\$10		\$20	1:150	14,400
	\$5		\$5 × 3	\$20	1:150	14,400
			\$5 × 4	\$20	1:150	14,400
\$20				\$20	1:28.57	75,600
	\$20			\$20	1:600	3,600
		\$20		\$20	1:600	3,600
			\$20	\$20	1:600	3,600
\$20	\$5			\$25	1:600	3,600
\$20		\$5		\$25	1:600	3,600
\$20			\$5	\$25	1:600	3,600
	\$25			\$25	1:600	3,600
		\$25		\$25	1:600	3,600
			\$25	\$25	1:600	3,600
\$20	\$5	\$5		\$30	1:20,000	108
\$20			\$5 × 2	\$30	1:20,000	108
\$20		\$10		\$30	1:20,000	108
\$20	\$10			\$30	1:20,000	108
\$20			\$10	\$30	1:20,000	108
			\$10 × 3	\$30	1:24,000	90
			\$15 × 2	\$30	1:24,000	90
	\$30			\$30	1:30,000	72
		\$30		\$30	1:24,000	90
			\$30	\$30	1:24,000	90
\$20	\$20	\$20		\$60	1:24,000	90
\$20		\$20	\$5 × 4	\$60	1:24,000	90
	\$60			\$60	1:24,000	90
		\$60		\$60	1:24,000	90
			\$60	\$60	1:24,000	90
\$20	\$20	\$20	\$20 × 2	\$100	1:108,000	20
			\$25 × 4	\$100	1:108,000	20
	\$100			\$100	1:108,000	20
		\$100		\$100	1:108,000	20
			\$100	\$100	1:108,000	20
	\$50,000			\$50,000	1:2,160,000	1
		\$50,000		\$50,000	1:2,160,000	1
			\$50,000	\$50,000	1:2,160,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania New Year's Celebration 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 New Year's Celebration, prize money from winning Pennsylvania New Year's Celebration 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 New Year's Celebration 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 New Year's Celebration or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-2077. Filed for public inspection November 15, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-140	Department of Agriculture Aquaculture Development Plan	11/4/02

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-480	Department of Public Welfare Invoicing for Services	11/4/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-2078. Filed for public inspection November 15, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### 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 and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert J. and Gloria Munley; file no. 02-188-07949; Erie Insurance Exchange; doc. no. P02-10-024; December 3, 2002, 10 a.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 Valerie McPeak; file no. 02-280-05336; West American Insurance Company; doc. no. PH02-10-027; January 29, 2003, 9 a.m.

Appeal of Gary M. Cohen; file no. 02-210-04902; AIG Insurance Company; doc. no. PH02-10-026; January 29, 2003, 10 a.m.

Appeal of Kimberly A. Madonna; file no. 02-265-05193; State Farm Mutual Automobile Insurance Company; doc. no. PH02-10-025; January 29, 2003, 11 a.m.

Appeal of David S. Daniel; file no. 02-280-05287; AAA Mid-Atlantic Insurance Company; doc. no. PH02-10-023; January 29, 2003, 12:30 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2079. Filed for public inspection November 15, 2002, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during

the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-02-276, Dated October 16, 2002. Authorizes the side letter between the Commonwealth and AFSCME concerning reimbursement to auditors in the Bureau of Audits for recognized CPA review course and examination. In addition, the side letter also authorizes the reclassification and two-step pay increase for revenue auditors who receive their CPA licenses.

Resolution #CB-02-277, Dated October 16, 2002. This resolution authorizes the side letters between the Commonwealth and AFSCME, Pennsylvania Game Commission Act 111 Unit, FOSCEP, ISSU, FOP-PLCB Enforcement Officers III (LLEO Supervisors), PDA, PNA, PSPOA, CIVEA, PSEA, PSPOA, PSSU, Compensation Referees Unit, PSTA, Commonwealth Bar Association, PUC, SPFPA and SEIU regarding carryover of unused annual and personal leave into the first seven pay periods of the next calendar year, define the quarter for earning personal leave and change the definition of quarter for earning higher class pay.

Resolution #CB-02-283, Dated October 16, 2002. This resolution authorizes the side letter between the Commonwealth and the Pennsylvania State Education Association to amend Article 25, Professional Education Program, of the CIVEA Labor Agreement. This amendment also provides an additional \$100,000 per fiscal year tuition reimbursement fund to permanent employees in the CIVEA unit who work at seven institutions which are involved in the Commonwealth's secondary school diploma program.

MARY JANE PHELPS,  
*Acting Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 02-2080. Filed for public inspection November 15, 2002, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 1; Fixed Cream Add-On Calculation

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on December 4, 2002, at 10:30 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the calculation of the fixed cream add-on in Milk Marketing Area No. 1. Evidence shall be based on the audited costs of the crosssection of dealers used in the most recent cost replacement hearing for Area 1 and further shall be based on April 2002 costs and prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board order fixing prices in Area 1 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on November 20, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on November 20, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

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 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on November 25, 2002, each party shall file with the Board seven copies and serve on all other parties 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 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 2 p.m. on November 27, 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 who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests 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 November 20, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD users).

LYNDA J. BOWMAN,  
*Executive Secretary*

[Pa.B. Doc. No. 02-2081. Filed for public inspection November 15, 2002, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Default Order

Public Meeting held  
October 24, 2002

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

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. RCN, Inc. (2001.0352); Doc. No.  
C-20027858; A-310509*

## Default Order

*By the Commission:*

On, May 23, 2002, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against RCN, Inc. (the Respondent), an IXC reseller certificated at A-310509. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2000 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2000 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2000 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint, and the 2000 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. RCN, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by RCN, Inc. at Docket No. A-310509 shall be cancelled, and the company's name stricken from all active utility lists maintained by the

Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2082. Filed for public inspection November 15, 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). Formal protests and petitions to intervene must be filed in accordance with Pa. Code § 3.381 (relating to the applications for transportation of property, household goods in use and persons). The protest shall indicate whether it applies to the temporary authority application, the permanent authority application or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 9, 2002. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. to 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### **Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00119350. S & S Limousine, Inc.** (3344 West 26th Street, Erie, Erie County, PA 16506), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the County of Erie, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Gene P. Placidi, 502 West 7th Street, Erie, PA 16502.

**A-00119342. Samuel P. Bonasso** (R. D. 5, Box 827, Altoona, Blair County, PA 16601)—persons in limousine service, between points in the City of Altoona, Blair County, and points within an airline distance of 50 statute miles of the limits of said city.

**A-00119341. Port Royal Emergency Medical Services, Inc.** (316 Milford Street, Port Royal, Juniata County, PA 17082), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the Counties of Perry and Juniata, and from points in said counties, to points in Pennsylvania, and vice versa; subject to the following condition: That the service herein is limited to the transportation of persons in wheelchairs or on litters. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

**A-00119354. Nasser Aberra t/d/b/a Penn Shuttle** (2517 Dunks Ferry Rd., L301, Bensalem, Bucks County, PA 19020)—persons in airport transfer service, from points in the City and County of Philadelphia, the Counties of Delaware, Bucks and Montgomery, to the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tincum, Delaware County.

**A-00119353. Margaret N. Kihonge and Mark Mamu, Copartners** (1991 Brooke Court, Whitehall, Lehigh County, PA 18052)—persons in paratransit ser-

vice, both ambulatory and nonambulatory, between points in the Counties of Lehigh and Northampton.

**A-00119301. Thomas H. Fisher t/d/b/a Dream Limousine** (128 W. College Avenue, Pleasant Gap, Centre County, PA 16823)—persons in limousine service between points in the Counties of Centre, Mifflin and Clinton, and from points in said counties, to points in Pennsylvania, and return.

**A-00119302. Richard R. Byrd t/d/b/a Byrd Taxi** (P. O. Box 45, Tioga, Tioga County, PA 16946)—persons upon call or demand in the County of Tioga.

**A-00119363. Jeffrey D. and Glenda S. Derstler, Tenants by Entirety t/d/b/a Derstlers Deliveries** (511 East Chestnut Street, Lancaster, Lancaster County, PA 17602)—persons in paratransit service, between points in the Counties of Dauphin, Berks, York, Lancaster, Chester, Mifflin, Perry, Juniata and Lebanon, and from points in said counties, to points in Pennsylvania, and return.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00111033, Folder 1, Am-A. Monessen Ambulance Service t/d/b/a Mon Valley Emergency Medical Services** (1001 Donner Avenue, Monessen, Westmoreland County, PA 15062), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the City of Monessen, the Borough of North Belle Vernon, the Township of Rostraver, Westmoreland County, the Boroughs of Bentleyville, Charleroi, Speers, Donora, Twilight, Allenport, Roscoe, California, Coal Center, Elco, Stockdale, Long Branch and Dunlevy, the Townships of Fallowfield and Carroll, the Daisytown section of West Pike Run Township, Washington County, the Boroughs of Fayette City and Belle Vernon, the Township of Washington, Fayette County, and from points in said city, boroughs and townships, to points in Pennsylvania, limited to the use of vehicles having wheelchair lifts, ramps or other facilities for the transportation of wheelchairs: *So as to Permit* persons in paratransit service, both ambulatory and nonambulatory: (1) between points in the City of Monessen, the Borough of North Belle Vernon, the Township of Rostraver, Westmoreland County, the City of Monongahela, the Boroughs of Bentleyville, Charleroi, Speers, Donora, Twilight, Allenport, Roscoe, California, Coal Center, Elco, Stockdale, Long Branch and Dunlevy, the Townships of Fallowfield, Carroll and Union, the Daisytown section of West Pike Run Township, Washington County, the Boroughs of Fayette City and Belle Vernon, the Township of Washington, Fayette County, and from points in said city, boroughs and townships, to points in Pennsylvania, and vice versa; and (2) from points in the County of Allegheny, to other points in Pennsylvania, and vice versa; both rights subject to the following condition: That all service is limited to the use of vehicles having wheelchair lifts, ramps or other facilities for the transportation of wheelchairs and/or stretchers.

**A-00101815, Folder 1, Am-A. Maxwell Taxicab Company, Inc. t/d/b/a Maxwell Cab** (9 West Athens Avenue, Ardmore, Delaware and Montgomery Counties, PA 19003), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in that portion of Lower Merion Township, Montgomery County, bounded as follows: on the north by the Schuylkill River, on the east by Belmont Avenue, thence south along Belmont Avenue

to its intersection with Rock Hill Road, thence south on Rock Hill Road to its intersection with Conshohocken State Road, thence on Conshohocken State Road to Manayunk Road, thence on Manayunk Road to its intersection with Bryn Mawr Avenue, thence on Bryn Mawr Avenue to its intersection with Montgomery Avenue, thence on Montgomery Avenue to its intersection with North Wynnewood Avenue and Gypsy Lane, thence on Gypsy Lane to Mill Creek Road, thence north on Mill Creek Road to the Schuylkill River: *So as to Permit* persons upon call or demand in the Boroughs of Conshohocken, West Conshohocken and the Township of Lower Merion, Montgomery County. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00106305, Folder 3, Am-B. Star Limousine Service, Inc. t/d/b/a Cranberry Taxi** (910 Sheraton Drive, Mars, Butler County, PA 116046), a Pennsylvania corporation, inter alia—persons upon call or demand in the city of Butler, Butler County: *So as to Permit* the transportation of persons upon call or demand in the Townships of Marshall and Pine, and the Boroughs of Bradford Woods and Franklin Park, all in Allegheny County, provided that no right, power or privilege is granted to provide service within the limits of North Park, located in the Townships of Pine and McCandless, both in Allegheny County. Application for temporary authority has been filed at A-00106305, F.3, Am-B, seeking the right previously cited. *Attorney:* William A. Gray, 2310 Grant Building, 310 Grant Street, Pittsburgh, PA 15219.

**A-00118552, Folder 1, Am-A. Keystone Cab Service, Inc.** (527-B North Cameron Street, Harrisburg, Dauphin County, PA 17101), a Pennsylvania corporation—persons upon call or demand in the County of Dauphin: *So as to Permit* the transportation of persons upon call or demand in the Counties of Cumberland, Lebanon, Perry and York.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00119234, Folder 2. American Eagle Bus & Limo, Inc.** (621 South Keyser Avenue, Taylor, Lackawanna, PA 18517), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all of the right authorized under the certificate issued at A-00112359, F. 3 to Taylor Paratransit, Inc. t/d/b/a Coachmaster Limousine Service, subject to the same limitations and conditions. *Attorney:* Leonard Mickavicz, 108 Fox Street, Taylor, PA 18517.

**A-00119245, Folder 3. American Eagle Bus & Limo, Inc.** (621 South Keyser Avenue, Taylor, Lackawanna County, PA 18517), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the Counties of Lackawanna, Luzerne and Monroe, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00112359, F. 1 to Taylor Paratransit, Inc. t/d/b/a American Eagle Bus Company, subject to the same limitations and conditions. *Attorney:* Leonard Mickavicz, 108 Fox Street, Taylor, PA 18517.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor of operating motor vehicles as *common carriers* for the transportation of *persons by transfer of rights* as described under each application

**A-00117497, Folder 3. Hans & Mark Schack, Co-partners t/d/b/a Allegheny Business Limousine** (4432 Coleridge Street, Pittsburgh, Allegheny County, PA 15201)—persons in limousine service, between points Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00116256 to Marianne O'Brien, Executrix of the Estate of William H. O'Brien t/d/b/a Aero Limousine Company of Pittsburgh. *Attorney:* John A. Pillar, 680 Washington Road, Suite B-101, Pittsburgh, PA 15228.

**A-00119351. Hope Transportation, Inc.** (105 Darter Lane, North Wales, Montgomery County, PA 19454), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00117469 to BMT Coach, Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00119340. Robbene B. Hovenstine t/d/b/a Paul's Cab Service** (735 Market Street, Sunbury, Northumberland County, PA 17801)—persons upon call or demand: (1) in the Borough of Northumberland, the City of Sunbury and the Townships of Rockefeller, Lower Augusta and Upper Augusta, Northumberland County; subject to the following condition: That no right, power or privilege is granted to provide service for Consolidated Rail Corporation; and (2) in the Boroughs of Shamokin Dam, Hummels Wharf and Selinsgrove, Snyder County; which is to be a transfer of all of the right authorized under the certificate issued at A-00118032 to Paul's Cab Service, Inc., subject to the same limitations and conditions.

**A-00119297. TB Transportation, Inc.** (1000 Conshohocken Ave., Suite 362, Conshohocken, Montgomery County, PA 19428), a Pennsylvania corporation—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate at A-00109490 to Jimmy's Transport, Ltd., subject to the same limitations and conditions. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00119348. Jadco Enterprises, Inc., t/d/b/a Sterling Limousine** (12 Penns Trail, Newtown, Bucks County, PA 18940), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00112676 to Danielle Viktor, Ltd. t/d/b/a Sterling Limousine, subject to the same limitations and conditions. *Attorney:* Barry L. Gross, 547 East Washington Avenue, P. O. Box 274, Newtown, PA 18940-0274.

**A-00119364. Midatlantic Limousine, Inc.** (1401 Larch Lane, West Chester, Chester County, PA 19380), a Pennsylvania corporation—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the right issued at A-00114296 to Francis P. Pardo t/d/b/a Ruberti's Limousine Service, subject to the same limitations and conditions. *Attorney:* Robert C. F. Willson, 20 Mystic Lane, Malvern, PA 19355.

Application of the following for approval of the *additional right* and privilege of operating motor vehicles as *common carriers* for transportation of *persons* as described under the application.

**A-00118873, F.2. Anthony J Mira t/d/b/a Moonlight Taxicab Company** (1312 Bosler Place, Carlisle, Cumberland County, PA 17013)—additional right—persons upon call or demand in the Borough of Carlisle, Cumberland County, and within an airline distance of 10 statute miles of the limits thereof.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* as described under the application.

**A-00113767, Folder 1, Am-B. Town and Country Van Lines, Inc.** (286 Boot Road, Downingtown, Chester County, PA 19335), a Pennsylvania corporation, inter alia—household goods in use, between points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places: *So as to Permit* the transportation of household goods in use, between points in the County of Chester, and from points in said county, to points in Pennsylvania and vice versa. *Attorney:* R. Samuel McMichael, P. O. Box 296, Oxford, PA 19363.

Application of the following for the approval of the *transfer of stock* as described under the application.

**A-00110668, F.5000. G.M.V. Cab Co., Inc.** (1859 Heritage Drive, Jamison, Bucks County, PA 18929), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of all of the issued and outstanding shares (100) of stock from Gregori Lakchin to Maria Lakchin.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2083. Filed for public inspection November 15, 2002, 9:00 a.m.]

## Telecommunications

**A-310608F7000. Verizon Pennsylvania, Inc. and Amro Cellular Corporation d/b/a CellularOne of Fayette and Greene Counties.** Joint petition of Verizon Pennsylvania, Inc. and Amro Cellular Corporation d/b/a CellularOne of Fayette and Greene Counties for approval of Amendment No. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Amro Cellular Corporation d/b/a CellularOne of Fayette and Greene Counties, by its counsel, filed on October 21, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment No. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania, Inc. and Amro Cellular Corporation d/b/a CellularOne of Fayette and Greene Counties joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2084. Filed for public inspection November 15, 2002, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #02-110.P, As Needed Carpet Requirements, until 2 p.m. on Thursday, December 12, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 21, 2002. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid meeting will be held at 10 a.m., Thursday, December 5, 2002, in the small conference room, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-2085. Filed for public inspection November 15, 2002, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

December 18, 2002	Dinia D. Flannery (Class T-D)	1 p.m.
	Jerry Davitch (Purchase of Service)	2:30 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith, Assis-

tant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 02-2086. Filed for public inspection November 15, 2002, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

### 2003 Examination Announcement

#### Examination Dates:

- \* February 22, 2003 All applications must be received by the State Board for Certification of Sewage Enforcement Officers (Board), complete and correct by close of business January 24, 2003.
- \* April 26, 2003 All applications must be received by the Board, complete and correct by close of business March 28, 2003.
- May 2, 2003 All applications must be received by the Board, complete and correct by close of business April 3, 2003.  
Exton, PA
- \* August 2, 2003 All applications must be received by the Board, complete and correct by close of business July 1, 2003.
- August 22, 2003 All applications must be received by the Board, complete and correct by close of business July 24, 2003.  
State College, PA
- \* November 1, 2003 All applications must be received by the Board, complete and correct by close of business October 9, 2003.
- These certification examinations will be administered the Friday following completion of the Precertification Academy at the city listed after the date.
- \* These certification examinations will be administered in the area of the following cities: Altoona, Harrisburg, Meadville, Philadelphia, Pittsburgh, Wilkes-Barre and Williamsport.

To qualify to sit for the certification exam, all Sewage Enforcement Officer (SEO) candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Dr., Enola, PA 17025, (717) 763-0930.

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam; however, individuals are not permitted to bring their own materials. Necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Build-

ing, 400 Market St., P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 3 weeks prior to an examination, applicants will receive an admittance letter from the Board.

Persons with a disability who require accommodation to take the SEO examination should contact the Board at (717) 787-6045 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

BONNIE SHENK,  
*Secretary*

[Pa.B. Doc. No. 02-2087. Filed for public inspection November 15, 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.

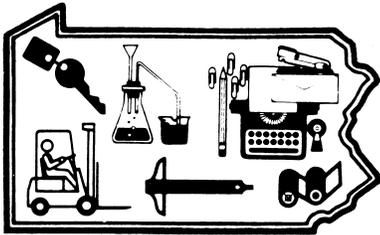
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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*



### Commodities

**2-2-00055** PA Department of Transportation, District 2-2, Clearfield County is requesting bids to provide 300 Ton Solar Evaporated Salt Crystals, for water softening/resin regeneration, packaging: Bulk, PCID NO.1085 Eff. 8/8/02. Multiple deliveries shall be required within 5 days after request. All deliveries shall be made to PENNDOT Maintenance Building located Washington Avenue & Hall St, Hyde, PA.

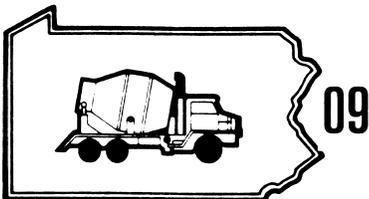
**Department:** Transportation

**Location:** Penna. Department of Transportation, District 2-2, Clearfield County, Washington Ave & Hall St., Hyde, PA 16843

**Duration:** 01/01/03 thru 06/30/03

**Contact:** Debbie Swank or Roger Thomas (814) 765-0524

## SERVICES



### Construction & Construction Maintenance

**401-BL-649** Roofing Project - This package will contain three separate roofing projects, with each bid separate in the package, Scranton Commons roof, Montour Residence Hall roof, and Schuylkill Residence Hall roof. Bidders can submit bids for any of the three projects or all three. Work will consist of removal of existing roofs and replacement of these roofs. To obtain a copy of the bid documents submit a \$50.00 non-refundable deposit to: Burkavage Design Associates, Inc., 200 Abington Executive Park, Clarks Summit, PA 18411 - Phone (570) 586-0719. Bid documents will contain all required information, and should be available approximately 11/15/02.

**Department:** State System of Higher Education

**Location:** Bloomsburg University, Bloomsburg, PA

**Duration:** 42 Calendar Days

**Contact:** Joseph C. Quinn (570) 389-4311

**KUCC-0034** Kutztown University is seeking qualified general, mechanical, plumbing and electrical contractors for the work associated with the Addition to and Renovations to the President's Residence at Kutztown University. Bid packages are available for a non-refundable fee of \$50.00 from: Virginia Stoudt, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, (610) 385-8325. Bid packages are available November 18, 2002 through Pre-Bid. A pre-bid meeting has been scheduled for December 3, 2002 at 1 p.m. in Room OM-26, Old Main Building. Bids are to be received no later than 3 p.m., December 19, 2002 in Room 229, Office of Planning and Construction. Bids will be opened on December 20, 2002 at 3 p.m. in the conference room of the Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education

**Location:** Kutztown University, Kutztown, PA 19530

**Duration:** Work to be completed on or before August 1, 2003

**Contact:** Barbara Barish (610) 683-4602

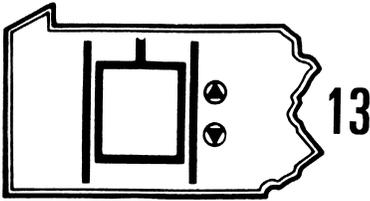
**SU-2000/21** Invitation To Bid - Shippensburg University SU-2000/21: Resurface Memorial Auditorium Faculty and Staff Parking Lot. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to install asphalt paving, concrete sidewalks and curbing. Prospective Bidders may obtain project plans by faxing request to (717) 477-4004. Pre-Bid meeting with site visit immediately to follow will be held on November 21, 2002 at 10 a.m. in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: December 17, 2002 at 4 p.m., Old Main Room 300. Public Bid Opening: December 18, 2002 at 2 p.m., Old Main Room 203A. tracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education

**Location:** Shippensburg University, Shippensburg, PA 17257

**Duration:** Work to begin May 12, 2003 and finish within 60 days

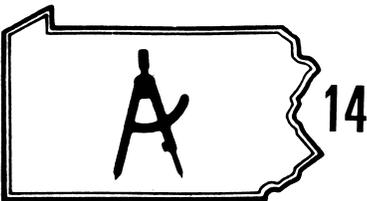
**Contact:** Deborah K. Martin (717) 477-1121



### Elevator Maintenance

**010G39** This contract is for the maintenance of 2 elevators located at the PA Dep. of Transportation, Engineering District 1-0, Oil City, PA 16301. A pre-bid job site visit is a must. All requests for bid packages must be faxed to Amy Judson-Burak, Purchasing Agent, at (814) 678-7051.

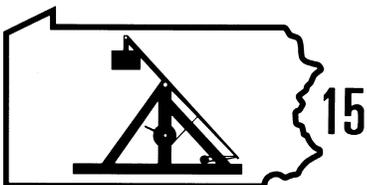
**Department:** Transportation  
**Location:** 255 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with 2 two-year renewals  
**Contact:** Amy Judson-Burak (814) 678-7185



### 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](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**OSM 56(3670)101.1** Abandoned Mine Land Reclamation, Laurel Falls North. Work consists of approximately 228,480 c.y. grading, 31.1 acres seeding, 2,112 ton alkaline addition (limestone screenings). Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant. This project issues November 15, 2002. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Summit Township, Somerset County  
**Duration:** 365 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994



### Financial and Insurance Consulting

**RFP-02-113-2602** The Pennsylvania Turnpike Commission is seeking qualified organizations to provide Stop Loss Insurance Coverage for our self-funded medical plans. Distribution of the RFP, presented by Marsh Inc. for the Commission, will begin on November 18, 2002. Written questions pertaining to the RFP must be submitted via email by December 2, 2002 to Dee Yingst, at [Dee.A.Yingst@seabury.com](mailto:Dee.A.Yingst@seabury.com). Copies of the RFP may be obtained by contacting Dee Yingst of Marsh Inc. at (717) 720-4528 or by email at [Dee.A.Yingst@seabury.com](mailto:Dee.A.Yingst@seabury.com). Closing date for receipt of proposals is 2 p.m. on December 18, 2002.

**Department:** Turnpike Commission  
**Location:** PTC Central Office, Middletown, PA  
**Contact:** Dee Yingst (717) 720-4528

**02-115-2595** The Pennsylvania Turnpike Commission is seeking qualified Closing date organizations to provide Workers Compensation and Commercial for Liability receipt of proposals is 2 p.m. on December 18, 2002. Recovery Services for the Commissions Owner Controlled Insurance Programs (OCIP), also known as a Wrap Up Insurance Program. The Commission is seeking to assess if additional savings can be realized through review and audit of premiums paid and claims filed for cost overcharges for the OCIP (Wrap-Up) programs. Copies of the RFP can be obtained by calling 717-939-9551, extension 6210 or email [gpenick@paturndpike.com](mailto:gpenick@paturndpike.com). There will not be a pre-proposal meeting for this RFP. Written questions pertaining to the RFP must be submitted to Gary W. Pennick, by November 18, 2002. Closing date for receipt of proposals is by 3:30 p.m. on November 25, 2002.

**Department:** Turnpike Commission  
**Location:** PTC Central Office, Highspire, PA  
**Duration:** January 1, 2003—May 31, 2003  
**Contact:** Gary W. Pennick (717) 939-9551 X6210



### Food

**M-888** Fresh/frozen/chilled meat & meat products; poultry & poultry products; fish; and cheeses, to be delivered only at request of facility.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center (FOB Shipping Platform), 727 Goucher St., Johnstown, PA 15905  
**Duration:** January, February, March, 2003  
**Contact:** Christine A. Sloan, Pur. Agt. (814) 255-8228

**B-154** Fresh breads and bread products. To be delivered (Mon. thru Sat.) only at request of facility.

**Department:** Labor and Industry  
**Location:** F.O.B. Shipping Platform, 727 Goucher St., Johnstown, PA 15905  
**Duration:** January 1 through December 31, 2003  
**Contact:** Christine A. Sloan, Pur. Agt. (814) 255-8228

**010103** The New Castle Youth Development Center at New Castle is currently accepting bids for Perishable Food Requirements for the quarter January, February, March, 2003. Interested vendors should fax a sheet which is to include: Name of Company, Vendor Number (SAP), Contact Person's name, Bidding address, telephone number, fax number, and types of perishable foods your company is able to provide. If you have any questions, contact Kathy Zeigler, Purchasing Agent, at (724) 656-7308.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6 Box 21A, Frew Mill Road, New Castle, PA 16101  
**Duration:** Contracts to cover January 1, 2003 through March 31, 2003  
**Contact:** Kathy Zeigler (724) 656-7308



### Janitorial Services

**Bid #8555** Furnish all equipment, materials & labor to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, etc., THREE (3) visits per week. Detailed Work Schedule & Request For Quotation must be obtained from Facility Management Division, (717) 705-5951.

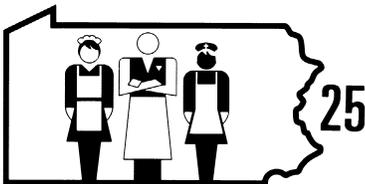
**Department:** State Police  
**Location:** Fern Ridge Station, HC #1, Box 1327, Blakeslee, PA 18610  
**Duration:** 2/1/03 to 6/30/06  
**Contact:** Donna Enders (717) 705-5951



### Medical Services

**SP 20777017** Provide Medical Services (Oral Surgery) to patients of Clarks Summit State Hospital.

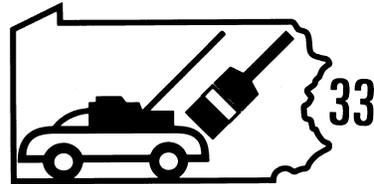
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Approximate Time Frame: Jan. 1, 2003—December 31, 2005  
**Contact:** Stanley Rygelski, PA (570) 587-7291



### Laundry/Dry Cleaning & Linen/Uniform Rental

**21067** Contractor will provide qualified and trained technicians to provide maintenance repairs to laundry equipment at SCI-Chester. More detailed information can be obtained from the Institution.

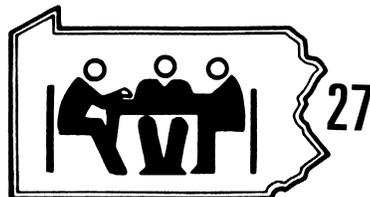
**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th Street, Chester, PA 19013  
**Duration:** January 1, 2003 to December 31, 2005  
**Contact:** Jacqueline Newson, Purchasing Agent (610) 490-4370



### Property Maintenance

**08-102016** PENNDOT, Butler County Dist. 1020, is soliciting the service of individuals, firms, and corporations to provide roadside mowing services to State Routes in the according to bid specifications. Please fax me your name and your company name and complete address and Fed. I.D. # or your S.S. #, your information can be fax to me at 724-283-3573 and can be e-mail to at askunda@state.pa.us

**Department:** Transportation  
**Location:** Butler County Dist. 1020 in according of the specification  
**Duration:** Two (2) year contract, by mutual consent of both parties this contract in renewable for one (1) year.  
**Contact:** Andy Skunda (724) 284-8226



### Lodging/Meeting Facilities

**020S73** Estimate to need meeting rooms, food, audio/visual equipment, and some overnight lodging rooms for meeting of approx 170 people. Estimate to need one large meeting room for approx 170 people (classroom setup) and two small rooms to hold approx 55 people (chairs only). Tentative meeting date is February 18 through February 21, 2003. Facility must be in State College Borough or up to five miles from State College Borough. Fax request to Janis Miele at (814) 765-0424 or e-mail to mielejm@dot.state.pa.us; include company name, address, phone no., fax no., and contact person.

**Department:** Transportation  
**Location:** Engineering District 2-0, Clearfield, PA  
**Duration:** Estimated to be four-day meeting  
**Contact:** Janis Miele (814) 765-0404

**SP3520028992** Providing meeting facilities to include lodging, meeting rooms and meals for approximately 125-150 attendees to be held on one of the following dates: March 25, 26, 27, 2003, April 1, 2, and 3, 2003 or April 8, 9, and 10, 2003.

**Department:** Environmental Protection  
**Location:** Within a fifteen (15)-mile radius of downtown Williamsport, Pennsylvania.  
**Duration:** Through 6/30/03  
**Contact:** Sherry Morrow (717) 772-1216



### Real Estate Services

**93523** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 1,125 useable square feet of office space in the Norristown area, Montgomery County, PA. with a minimum parking for two vehicles. Downtown locations will be considered. For more information on SFP #93523 which is due on December 2, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package, or call (717) 787-4394.

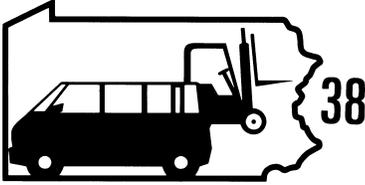
**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93518** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Office of Attorney General with 10,077 useable square feet of office space in Erie County, PA. with a minimum parking for 40 vehicles. This space is to located within the jurisdiction of the Millcreek Township Police Department and be within a one (1) mile radius of any of the following interchanges in the direction specified: West of I-79, Exit 180, West of I-79, Exit 182, North of I-90, Exit 22B or North of I-90, Exit 18, Erie, Erie County. Downtown locations will be considered. For more information on SFP #93518 which is due on December 16, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package, or call (717) 787-4394.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Cynthia T. Lentz (717) 787-0952

**93526** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Transportation with 43,763 useable square feet of office space in Clearfield, Clearfield County, PA. with a minimum parking for 283 vehicles. For more information on SFP #93526 which is due on December 2, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package or call (717) 787-4394.

**Department:** Transportation  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Bradley J. Swartz (717) 705-5764



### Vehicle, Heavy Equipment and Powered Machinery Services

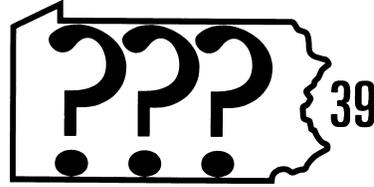
**2-2-00053** Eight (8) Electric tailgate liquid dispensing systems (Hydraulic Return Drive Systems). Each system shall be 12 Volt and have a 100-gallon minimum capacity polypropylene tank. System shall be complete with pump, pump control, nozzles, hoses, fittings, wiring and mounting hardware as required. All associated wiring necessary for the application shall be of the thermoplastic elastomer jacketed type. System must have the capability of being controlled with electronic spreader controls. Systems will be installed by Department force.

**Department:** Transportation  
**Location:** District 0220, Clearfield County, P. O. Box 245, Corner of Washington Avenue & Hall St, Hyde, PA 16843

**Duration:** 12/01/02 thru 11/30/03  
**Contact:** Debbie Swank (814) 765-0524

**2-2-00054** Provide (1) Truck Mounted Attenuator (TMA). This unit shall be furnished complete in all details including attaching brackets and support structure to attach to the rear of existing Department truck. Complete unit must be interchangeable with Department Trucks. Complete installation guide to include adapting the new cartridge and carriage to existing underride and a cartridge repair limitations guide.

**Department:** Transportation  
**Location:** Washington Ave & Hall Street, P. O. Box 245, Hyde, PA 16843-0245  
**Duration:** 04/01/01 thru 03/30/03  
**Contact:** Debbie Swank (814) 765-0524



### Miscellaneous

**RFP 20020930** Develop and implement a comprehensive strategic marketing plan, public relations and advertising campaign as a collaborative partner in the task of enhancing the perception and image of the PLCB to promote the PLCB as a prominent retailer in the wine and spirits industry.

**Department:** Liquor Control Board  
**Location:** Statewide  
**Duration:** Two years with three additional one-year options.  
**Contact:** Debra Brinser (717) 772-2043

**20166** Services are required for repairs of kitchen equipment. All repairs must be performed by qualified technicians. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th Street, Chester, PA 19013  
**Duration:** January 1, 2003 to December 31, 2005.  
**Contact:** Jacqueline Newson (610) 490-4370

**101172** For the shredding of tires and construction of a one span bridge utilizing the shredded tires as a light weight embankment in Armstrong County, bidding documents will be available for purchase upon request from the PENNDOT Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications, excluding attachments, can also be viewed on PENNDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PENNDOT/ECMS/electronic bidding/contracts/proposals. Bid opening is expected to occur in December 2002.

**Department:** Transportation  
**Location:** SR 4023, Section 150  
**Duration:** Completion by April 2004  
**Contact:** Brian Allen (724) 357-2971

**20165** Radio Equipment—Contractor shall be qualified to perform the work necessary to properly maintain the radio equipment at SCI-Chester at all times. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th Street, Chester, PA 19013  
**Duration:** January 1, 2003 to December 31, 2005  
**Contact:** Jacqueline Newson, Purchasing Agent (610) 490-4370

[Pa.B. Doc. No. 02-2088. Filed for public inspection November 15, 2002, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9985-21 sup#2	11/05/02	David Litzinger	\$30,000.00
9985-21 sup#2	11/05/02	Joyce Gal- lagher	30,000.00
1068182-01	11/05/02	Frank Parsons	22,420.00
1283381-01	11/05/02	Pitts Enter- prises	23,289.00
8171650-01	11/05/02	Top Roc Newcrete Products	99,500.00
8254320-01	11/05/02	Stephenson Equipment	107,840.00
8254120-01	11/05/02	L Bsmith	27,980.00
8506500-01	11/05/02	Component Technology	52,479.00

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-2089. Filed for public inspection November 15, 2002, 9:00 a.m.]



