

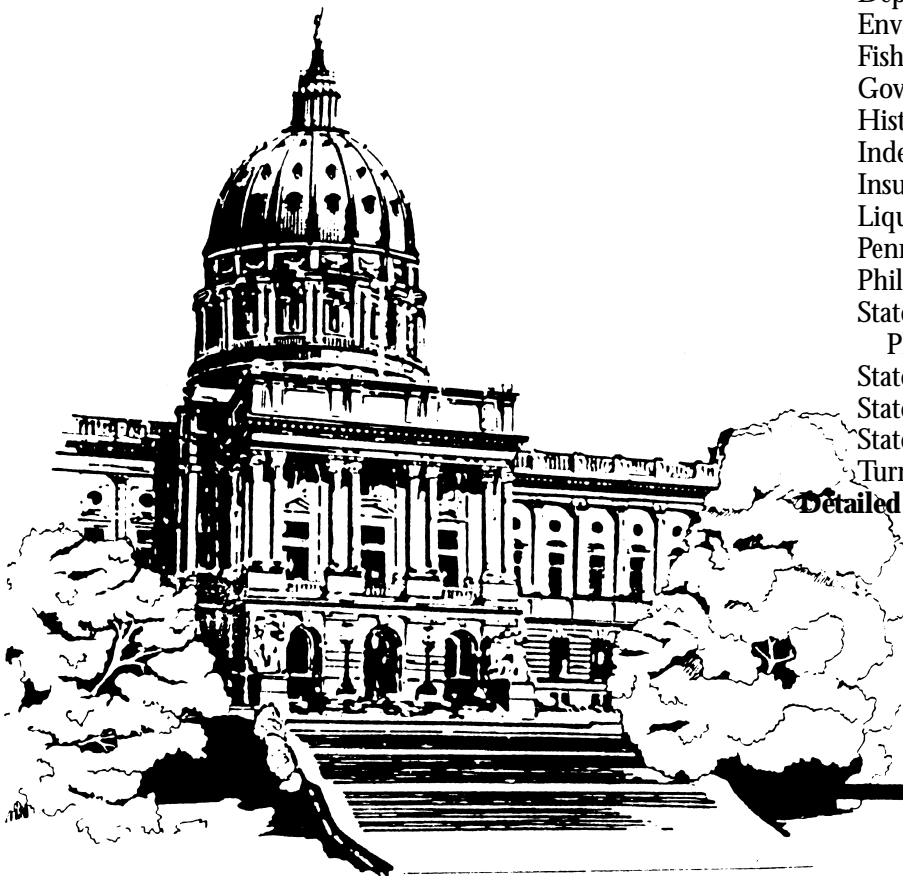
# PENNSYLVANIA BULLETIN

Volume 32  
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**Agencies in this issue:**

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Delaware River Basin Commission  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Fish and Boat Commission  
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Plant and Waterworks Operators  
State Board of Chiropractic  
State Board of Podiatry  
State Employees' Retirement Board  
Turnpike Commission

**Detailed list of contents appears inside.**



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**No. 327, February 2002**

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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 COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [231 PA. CODE CH. 200] Damages for Delay

#### **Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.**

\* \* \* \* \*

#### **Addendum to Explanatory Comment**

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>	<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 1980	15 to 15-1/2	January 2, 1992	6-1/2
January 2, 1981	20-1/2 to 21-1/2	January 4, 1993	6
January 4, 1982	15-3/4	January 3, 1994	6
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January 2, 1991	9-1/2 to 10		

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.  
*Chairperson*

[Pa.B. Doc. No. 02-163. Filed for public inspection February 1, 2002, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Electronic Monitoring Fees; No. 046 MI 97

#### **Administrative Order 5—2002**

*And Now*, this 22nd day of January, 2002, in order to assess the costs of administering the Carbon County Home Electronic Monitoring Program, it is hereby

*Ordered and Decreed* that, effective March 1, 2002, the Court hereby *Increases* the Home Electronic Monitoring Fee to Thirteen Dollars (\$13.00) per day for all defendants placed into the Carbon County Home Electronic Monitoring Program from the time they are ordered into the Program until the time they are released from the Program.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 02-164. Filed for public inspection February 1, 2002, 9:00 a.m.]

### CARBON COUNTY

#### Intermediate Punishment Plan; No. 057 MI 93

#### **Administrative Order 6—2002**

*And Now*, this 22nd day of January, 2002, in order to modify policy and procedure for the Carbon County Intermediate Punishment Plan, it is hereby

*Ordered and Decreed* that, effective thirty days after publication in the *Pennsylvania Bulletin*, the Court hereby *Revises* its Intermediate Punishment Plan.



The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

### **Purpose**

To establish policy and procedure governing the administration of Carbon County's Intermediate Punishment Programs of Intensive Supervision Services, House Arrest/Home Electronic Monitoring and Residential Inpatient Treatment and to establish a process whereby the presentence investigator can consider innovative sentencing alternatives that may permit a better balance between the dual needs of community protection and the welfare of the defendant.

### **Applicability**

To the Carbon County Court of Common Pleas, Carbon County Intermediate Punishment/Prison Board, all adult probation staff and offenders under the jurisdiction of the department.

### **Definitions**

As utilized in this document, the following definitions shall apply:

1. *Collateral Contact*: Communication with another person having regular contact with the offender, such as law enforcement personnel or treatment specialists.

2. *Home*: The actual living area of the temporary or permanent residence of an offender, which will only include "inside the confines" of the established home or apartment.

3. *Home Electronic Monitoring Program*: A sentence in which the offender is required to wear or carry an electronic device which transmits the offender's location to a receiver maintained by criminal justice personnel.

4. *House Arrest Program*: A sentence which orders offenders confined to their own residence except for preapproved excursions for medical treatment, employment, performance of community service work, drug/alcohol treatment or counseling. House arrest may be combined with electronic monitoring to detect violations.

5. *Intensive Supervision Services*: A sentence with increased supervision, surveillance and control; reduced caseloads for probation officers; increased number of contacts per month; and mandated activities for the offender, including work or vocational training, community service work or drug/alcohol treatment.

6. *Intermediate Punishment Board*: A collective body of County officials comprising of the President Judge or his designee, the Sheriff, the District Attorney, the County Controller and the three (3) County Commissioners. The Board shall be responsible for the oversight of the County's Intermediate Punishment Plan and Programs.

7. *Intermediate Punishment Plan*: A document, which describes a proposed intermediate punishment program.

8. *Intermediate Punishment Programs*: A punishment option that is considered on a continuum to fall between traditional probation and traditional incarceration.

9. *Presentence Investigation*: A concise document provided to the sentencing court that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

10. *Residential Rehabilitative Center*: A community-based facility to which offenders can be sentenced directly where a range of rehabilitative services is available, including drug and alcohol treatment and counseling.

### **Intermediate Punishment Board/Prison Board**

Since Carbon County is a sixth class county, a board shall be established in accordance with 61 P. S. § 1105. The board shall meet periodically to assess available county-wide correctional services and future needs; to work with the county office of probation and parole in developing the Intermediate Punishment Plan; to adopt a county intermediate punishment plan, including program policies for administration; to monitor the effectiveness of county correctional services and to identify needed modifications.

### **Primary Goals and Objectives**

The County's Intermediate Punishment Programs shall embrace the primary purposes for the development of Intermediate Punishment Programs established by the Pennsylvania Commission on Crime and Delinquency, which are as follows:

1. To protect society and promote efficiency and economy in the delivery of corrections services.

2. To promote accountability of offenders to the community.

3. To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the Court, and,

4. To provide opportunities for offenders who demonstrate special needs to receive services, which enhance their ability to become contributing members of the community.

### **Secondary Goals and Objectives**

Secondary objectives established and adopted by the Carbon County Intermediate Punishment Board, the Carbon County Court of Common Pleas and the Carbon County Adult Probation/Parole Department are as follows:

1. To establish effective intermediate punishment programs not to exceed fifteen (15) participants per officer.

2. To divert low risk; non-violent and special need offenders from exposure to incarceration and to provide a degree of punishment to an offender, which is less severe than incarceration, yet more punitive than existing probation.

3. To establish viable sentencing alternatives for the Court.

4. To reduce the incidence of criminal behavior through increased surveillance and to promote a more structured environment conducive to fostering improved work habits, family life and treatment of social or behavioral problems.

5. To provide counseling, education and treatment for targeted offenders.

#### **Minimum Guidelines for Intermediate Punishment Programs**

The Pennsylvania Commission on Crime and Delinquency has adopted the following minimum guidelines. These guidelines shall be incorporated into the County's Intermediate Punishment Programs as follows:

1. *Intensive Supervision Services*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Intensive Supervision Services Program (See 37 Pa. Code § 451.119). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A monitoring component, which defines the frequency and method of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.
- c. Limitation of caseloads of program supervising officers consistent with the supervisory component as described in this policy statement.
- d. A minimum requirement that eight (8) to twelve (12) face-to-face and four (4) to six (6) collateral contacts be made by the supervising officer each month.
- e. A requirement that face-to-face and telephone contacts with offenders be made at all hours, seven (7) days per week.
- f. A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug treatment, and, in appropriate cases, a curfew.
- g. Policy and procedure for responding to major and minor violations of the program.

2. *House Arrest Program*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the House Arrest Program (See 37 Pa. Code § 451.117). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A requirement that offenders be employed or actively seeking employment or enrolled in educational program/vocational training or participating in community service, unless an offender is physically or mentally incapable of performing the same, and have fixed residences.
- c. A monitoring component, which defines the frequency of face-to-face and collateral contacts to ensure offenders' compliance with the conditions of the program.
- d. Limitation of the caseloads of program supervising officers consistent with the supervisory plan as described in this policy statement.
- e. A requirement that a minimum of two (2) face-to-face and three (3) collateral contacts be made by the supervising officers each month.
- f. A policy and procedure for responding to major and minor violations of program conditions.
- g. If utilized in conjunction with the home electronic monitoring program, the minimum standards relating to home electronic monitoring shall be met.

h. A program for eligible DUI offenders shall be combined with an electronic monitoring program in accordance with the statutory requirements relating to sentencing restrictions.

3. *Home Electronic Monitoring*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Home Electronic Monitoring program (See 37 Pa. Code § 451.114). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. The timely detection of violations.
- c. The maintenance of a 24-hour-per-day response to detected violations.
- d. A monitoring component to ensure offender's compliance with the conditions of the program.

e. A policy and procedure for responding to major and minor violations of program conditions.

4. *Residential Inpatient Drug and Alcohol Program*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Residential Inpatient Drug and Alcohol Program. The board shall document that the services are provided by a licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for residential inpatient drug and alcohol treatment (See 37 Pa. Code § 451.121). This program shall include the following elements:

- a. A drug testing capability.
- b. Establishment of services based on an assessment of the offender's needs and available community resources.
- c. Establishment of aftercare and follow-up services involving sustained and frequent interaction with recovering individuals who have progressed from the intensive or primary phase of treatment.
- d. Efforts to recruit, screen and select service providers.
- e. Guidelines to monitor the purchase of services for offenders.
- f. A monitoring component to ensure the offender's compliance with the conditions of the residential inpatient drug and alcohol program.

g. Policy and procedure for responding to major and minor violations of residential inpatient drug and alcohol program conditions.

#### **Intermediate Punishment Requirements**

An order for an intermediate punishment program for an offender may be continuous or intermittent. The participant will be required to remain within the confines of his/her residence, except when the offender is participating in any of the following:

1. Working at acceptable employment approved by the Court or the Adult Probation/Parole Department or traveling to and from approved employment.
2. Unemployed and actively seeking employment.
3. Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved by the Court or the Adult Probation/Parole Department.
4. Attending a vocational or educational program approved by the Court or the Adult Probation/Parole Department.

5. Attending a regularly scheduled religious service at a place of worship.

6. Participating in a community work release or community service program.

7. Sentenced to the intensive supervision program without a curfew restriction.

8. Engaging in other activities specifically approved by the Court or the Adult Probation/Parole Department.

#### **Sentence of Intermediate Punishment**

In imposing a sentence of intermediate punishment, the court shall specify at the time of sentencing the length of the term for which the defendant is to be in an intermediate punishment program or a combination of intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under 42 Pa.C.S. § 9755 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S. § 9756 (relating to total confinement) and to serve a portion in an intermediate punishment program or a combination of intermediate punishment programs pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment).

#### **Modification or Revocation of Intermediate Punishment Sentence**

The court may at any time terminate a sentence of intermediate punishment or increase or decrease the conditions of the sentence pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment) or 42 Pa.C.S. § 9773 (modification or revocation of intermediate punishment sentence).

#### **Eligible Offenders**

For purposes of sentencing, an eligible offender shall be defined as follows:

1. A person convicted of an offense who would have otherwise been sentenced to a county correctional facility to a period of partial confinement pursuant to 42 Pa.C.S. § 9724 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S. § 9725 (relating to total confinement).

2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.

#### **Eligible DUI Offender**

Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance) may only be sentenced to an intermediate punishment program in:

1. A residential inpatient treatment program or a residential rehabilitative center.

2. A house arrest program coupled with a home electronic monitoring program combined with drug and alcohol treatment.

#### **DUI Offender Target Population and Other Eligibility Criteria**

In addition to the statutory eligibility requirements as described in this policy statement, the following additional criteria will be utilized to determine DUI offender eligibility:

1. The offender must be a second time DUI offender. First and fourth time offenders shall be declared ineligible, unless otherwise court ordered.

2. No serious bodily injury or death resulted from the incident.

3. The offender, at the time of the offense, possessed the necessary motor vehicle insurance set forth by the Pennsylvania No-Fault Motor Vehicle Insurance Act, to cover all property damage and/or personal injuries.

#### **Third-Time DUI Offender Population**

Typically, third-time DUI offenders are ineligible for participation in the home electronic monitoring program. However, offenders who complete the following requirements shall be declared eligible when,

1. The offender successfully completes a residential inpatient treatment program provided by a current licensee of the Department of Health, Office of Drug and Alcohol Programs for outpatient services.

2. Meets all other eligibility criteria as outlined in this policy statement.

#### **Offender Target Population and Other Eligibility Criteria**

In addition to the statutory eligibility requirements as described in this policy statement, the following additional criteria shall be utilized to determine offender eligibility:

1. An offender who exhibits a present or past history of violent or assaultive conduct.

2. An offender who is being held under a detainer, warrant or process issued by this Court or a Court of another jurisdiction.

3. An offender who has been revoked from a period of supervision on two (2) or more separate occasions.

4. An offender who has an extensive criminal or driving record.

5. An offender who resides outside the geographical boundaries of Carbon County, unless the resident jurisdiction has a comparable intermediate punishment program.

6. The victim of the instant offense incurred serious bodily injury or suffered serious psychological harm as a result of the offender's actions.

7. An offender who has a history of prison escape.

8. An offender who has a history of chronic mental health or psychotic behavior, which would interfere with the program.

9. An offender who does not have a telephone in the residence.

10. An offender who does not desire to participate in these programs.

11. An offender who has been afforded home electronic monitoring in the past.

12. An offender convicted of Driving Under Suspension pursuant to 75 Pa.C.S. § 1543 (b).

13. An offender who did not possess a valid driver's license at the time of the arrest.

14. An offender convicted of Habitual Offenders pursuant to 75 Pa.C.S. § 6503.1.

15. An offender convicted of Fleeing or Attempting to Elude Police Officer pursuant to 75 Pa.C.S. § 3733.

16. An offender who received an early discharge from the ARD Program and committed his/her second DUI offense while in the ARD Program, but did not report the new arrest to his probation officer.

17. An offender who does not make restitution to the victim(s) for out-of-pocket losses that were not covered by insurance, prior to acceptance into an intermediate punishment program.

18. An offender who due to "exigent circumstances" would be deemed inappropriate for inclusion in the program.

### **Ineligible Offenders**

Pennsylvania law states that any person convicted of certain targeted offenses shall be ineligible under a sentence of intermediate punishment (See 42 Pa.C.S. § 9729(c).)

### **Screening Process**

An offender may be declared eligible upon the recommendation of the Adult Probation/Parole Department upon completion of any of the following or combination thereof:

- a. A presentence investigation.
- b. An intermediate punishment investigation.
- c. Any offender placed in these programs by an Order of Court.

### **Intermediate Punishment Investigations and Presentence Investigations**

During the investigative phase, the presentence investigator shall identify prospective participants for possible consideration of an intermediate punishment program. During the preparation of guilty plea reports or a presentence report, the investigator shall refer all plea agreements and sentencing recommendations that suggest a sentence of intermediate punishment to the intermediate punishment officer for investigation. This investigation shall include the following:

1. An interview of the defendant and other occupants of the residence, when applicable.
2. Completion of an intermediate punishment eligibility application, which application is available at the Carbon County Adult Probation Office.
3. Field visit to offender's residence.
4. Explanation of program requirements to the offender and all occupants of the residence, when applicable.
5. Completion of all appropriate forms, which include:
  - a. Occupant's Approval Form, if applicable
  - b. Conditions of supervision
  - c. Equipment Responsibility Form
  - d. New Client Installation Form, if applicable
6. Written memorandum to the court with sentence recommendation.

### **Program Violations**

The following classification system for program violations shall be utilized to determine the level of compliance with the conditions of Intermediate Punishment Programs.

#### **Minor Violations**

The following violations shall be considered minor in nature:

1. Failure to report as scheduled.
2. Failure to maintain the scheduled treatment plan.
3. Failure to notify staff of changes in status.

4. Failure to comply with rules and regulations of the program or Court order.

5. Unauthorized individuals within the residence.

#### **Minor Violation Process**

When "minor" violations are detected, the following corrective action may be initiated by the assigned Officer:

1. Verbal reprimand.
2. Written violation report.
3. Administrative conference.
4. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.

#### **Major Violations**

The following violations shall be considered major in nature:

1. Possession of firearms, deadly weapons or offensive weapons.
2. Possession or consumption of alcoholic beverages.
3. Possession or positive urine test for a controlled substances.
4. Possession of drug paraphernalia.
5. Relocation from the approved residence without the prior approval of the assigned Officer.
6. A new arrest for violation of Municipal, County, State and Federal laws, as well as, provisions of the Liquor Code and the Vehicle Code.
7. Escape, which shall be defined as a period of one (1) hour or longer in which the participant has left the approved residence and is unaccounted for.
8. Repeated minor violations.
9. Destruction, theft or tampering with electronic equipment.
10. Operating a motor vehicle on a public highway while license is suspended.

#### **Major Violation Process**

When "major" violations are detected, the assigned Officer may initiate the following corrective action:

1. Written violation report.
2. Administrative conference.
3. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.
4. File a petition to revoke intermediate punishment sentence requesting a hearing and/or a warrant for arrest and detention of offender.

#### **Investigation of Detected Program Violations**

All violations of any intermediate punishment program shall be investigated by the assigned officer or on-call officer immediately after detection. All relevant information and documentation concerning electronic monitoring violations shall be obtained from the central monitoring station with all persons involved, with the violation being interviewed. Upon determination of the specific violation, the officer shall follow the violation process as described in the department's operation manual.

### Investigation of Program Violations (After Normal Business Hours)

Response to program violations after normal business hours shall occur as follows:

1. *On-Call Schedule:* The Chief Adult Probation/Parole Officer shall prepare and post an on-call schedule. All Adult Probation/Parole Officers will be scheduled and rotated on a weekly basis and shall be responsible for the following:

a. The on-call officer must wear the digitized pager at all times. Failure to respond to a page will result in appropriate disciplinary action.

b. The on-call officer will be responsible for the pager. If the pager is damaged or lost, the cost of the pager may be assessed to the officer.

c. Modifications to the on-call schedule are permitted. Prior arrangements shall be made with the Chief and the Carbon County Communications Center to ensure proper coverage.

2. *Home Electronic Monitoring Violations:* In the event that an electronic monitoring violation occurs, the following procedures shall be utilized:

a. The central monitoring station has been provided a procedure to notify the Carbon County Communications Center for program violations.

b. The Carbon County Communications Center shall be provided all officer pager numbers and personal telephone numbers.

c. An intermediate punishment program manual will be provided to all officers as a reference guide. All telephone numbers will be available within the manual.

d. When the on-call officer is notified of a program violation, the officer shall respond to the page immediately. If the violation is for home electronic monitoring, the officer shall contact the central monitoring station to determine the nature of the violation. If the monitoring center cannot correct the problem, then the officer shall contact the offender to resolve the problem. If the problem cannot be rectified over the telephone, then, the on-call officer must respond to the residence to investigate the violation. However, before conducting the field investigation, the on-call officer shall contact the back-up on-call officer for authorization. The on-call officer shall not conduct a field investigation without proper authorization from a supervisor.

e. The following home electronic monitoring violations must be investigated by the on-call officer after normal business hours. All other program violations will be investigated by the assigned probation officer the next available working day.

1. Band Tamper
2. Out-of-Range
3. Power Outage or Loss

f. When it is determined by the on-call officer that immediate termination is justified for the violation, the officer shall:

1. Immediately notify the back-up on-call supervisor.
2. Contact other adult probation staff for possible assistance.
3. Contact the Carbon County Communications Center for possible assistance from the Carbon County Sheriff's Department.

4. If the Sheriff's Department is unavailable, then contact the local police department for possible assistance.

5. Under no circumstances shall a probation officer attempt to arrest the offender without proper authorization from the back-up on-call supervisor and proper presence of law enforcement personnel.

6. The offender shall be transported to prison by adult probation staff or the Sheriff's Department. A Warrant to Commit and Detain Form shall be executed and provided to prison officials for admission of the offender.

g. If the offender is immediately terminated from the program, then all home electronic monitoring equipment shall be removed from the residence and inventoried. The monitoring center shall be immediately notified of the termination.

### Other Program Violations

The agency recognizes that other emergency situations will arise after normal business hours. In the event that the on-call officer receives a page for a situation other than an intermediate punishment program violation, then the on-call officer must respond to the page. The officer shall attempt to resolve the problem over the telephone, however, if the problem cannot be resolved, then the officer shall investigate the violation in accordance with agency policy and procedure. Under no circumstances shall the on-call officer conduct a field investigation or detain an offender without proper authorization from the back-up on-call supervisor. Failure to respond to a non-intermediate punishment program violation will result in appropriate disciplinary action.

### Method of Supervision

Generally, an offender sentenced to an intermediate shall be supervised in the community. However, office contacts will be permitted, but should not be relied upon by the officer. Supervision of program participants shall occur as follows:

1. *Intensive Supervision Program:* Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. *Community Supervision:* The officer shall maintain two (2) face-to-face contacts with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The IP Officer shall maintain a minimum of one (1) collateral contact per week with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact per month must be with a law enforcement official.

c. *Urine Screens:* The assigned officer shall refer all offenders to the Carbon-Monroe-Pike Drug/Alcohol Commission for urine testing.

2. *House Arrest/Home Electronic Monitoring:*

a. *Community Supervision:* Offenders placed in this program will be supervised in the community. The officer will maintain one (1) face-to-face contact with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The officer shall maintain a minimum of three (3) collateral contacts per month with

an individual who has direct contact with the offender on a regular basis. One (1) collateral contact must be with a law enforcement official.

c. *Urine Screens*: The assigned officer shall refer all offenders to the Carbon-Monroe-Pike Drug and Alcohol Commission for urine testing.

3. *Residential Inpatient Drug and Alcohol Program*:

a. *Community Supervision*: The officer shall maintain contact with the inpatient facility to ensure that the offender is compliant with the requirements of the treatment program. The officer shall maintain one (1) monthly contact with the offender while in the treatment program.

b. *Collateral Contacts*: The officer shall maintain weekly contact with the treatment counselor.

c. *Urine Screens*: The offender shall undergo random urinalysis testing as per the requirements of the inpatient treatment facility.

d. *Referral Process*: Offenders selected for the residential inpatient treatment program shall be referred to the Carbon-Monroe-Pike Drug/Alcohol Commission. This facility will locate a suitable facility, accredited by the Office of Drug and Alcohol Programs. The Carbon-Monroe-Pike Drug/Alcohol Commission shall perform an assessment on the offender to determine his/her needs and locate the appropriate treatment facility. Also, the prison counselor may locate a suitable treatment facility.

e. *Credit for Time Served*: Offenders who successfully complete inpatient treatment, may receive credit towards mandatory minimum provisions of the Drunk Driving Law or other total or partial confinement sentences.

f. *Probation, Parole or Intermediate Punishment Violators*: These violators will be considered for an early discharge from their recommitment sentence, to a residential inpatient treatment program, when the violations are for drug and/or alcohol technical violations. All referrals shall be made to the Carbon-Monroe-Pike Drug and Alcohol Commission.

g. *Treatment Documentation*: The assigned officer shall execute a release of information form to secure all treatment documentation on the offender's progress in the program.

h. *After-Care/Follow-up Recommendations*: The offender will be required to follow all after-care treatment recommendations made by the treatment facility.

**Termination From an Intermediate Punishment Program**

The following criteria shall be utilized to determine when an offender should be terminated from an intermediate punishment program:

1. The participant has successfully completed all conditions of the program.
2. The participant has committed "major" violations of the program and was returned to prison.
3. The participant has served the minimum sentence imposed by the Court and has been legally discharged.

**Termination Order**

Upon successful completion of the minimum sentence, an order of court shall be prepared discharging the offender from the program.

**Voluntary Participation**

Participation in these programs shall be strictly on a voluntary basis. Offenders who do not desire to participate in these programs will be declared ineligible.

**Program Explanation**

All program requirements shall be explained prior to admission of the offender into an intermediate punishment program. Also, all occupants of the approved residence shall be advised of the restrictions and requirements of the program. If a resident objects to the program, then the offender may be declared ineligible.

**Enrollment and Initial Home Contact**

During the initial home contact with the offender, the assigned officer shall:

1. Review the terms and conditions of the program.
2. Explain program requirements to all residents.
3. Read, explain and obtain signatures on all forms.
4. Explain parameters of home electronic monitoring program.
5. Explain consequences of program violations.
6. Explain payment of daily monitoring fees.
7. Explain responsibility and maintenance of equipment.
8. Install equipment.
9. Confirm with the monitoring center that equipment is operational.
10. Obtain a layout of the residence.

**Ankle Bracelets**

Offenders placed on a home electronic monitoring unit will be required to wear ankle bracelets at all times. The bracelet emits a continuous signal to a receiver installed in the residence. Upon every field visit by the probation officer, a visual inspection of all monitoring equipment shall be conducted to ensure proper functioning.

**Post Sentencing Orientation**

After placement into the home electronic monitoring program, the participant shall be advised of the date and time that the equipment will be installed in the residence and other program requirements.

**Equipment Responsibility**

All electronic equipment installed in the offender's residence shall be the exclusive responsibility of the participant to maintain its proper functioning and operation. Any tampering, theft or destruction of the equipment by the offender may result in the filing of criminal charges, being held financially responsible for the cost of the equipment and being immediately terminated from the program. Also, every participant must read and sign the equipment responsibility form.

**Equipment Inventory**

All equipment installed in the residence must be inventoried at the time of installation. Upon termination from the program, the officer shall inventory and visibly inspect all equipment to ensure that no damage occurred during the program.

**Offender Subsistence**

Every offender placed in an intermediate punishment program will be responsible for their own subsistence, which includes, housing, clothing, medical care or other treatment or household expenses. Every participant shall be afforded a designated time during the week for grocery shopping, medical appointments or other basic necessi-

ties. All departures from the approved schedule must receive prior approval by the adult probation/parole department or assigned officer.

#### Monitoring Fees

An offender placed in the home electronic monitoring program shall be responsible for all costs associated with the monitoring aspect of the program. All fees collected will be deposited into an account to be utilized for the operation of the home electronic monitoring program or other departmental operations. Finally, all fees shall be made part of the order of sentence and the certificate of costs sheet.

#### Local Law Enforcement Notification

Local law enforcement agencies will be provided with all information concerning program participants.

#### Case Records

After placement into an intermediate punishment program, a case record folder shall be prepared with a green identification label. Also, a complete roster shall be maintained on every program participant by the project coordinator.

#### Project Coordination

The Chief Adult Probation/Parole Officer shall be responsible for the preparation, completion and submission of all sub-grant reports, progress reports, budget modification forms and related documentation to the Pennsylvania Commission on Crime and Delinquency. The Project Coordinator and the intermediate punishment officer, in conjunction with the Intermediate Punishment Board, shall evaluate program goals and effectiveness on a regular basis.

#### Verification of Compliance With Court Imposed Sanctions

The assigned officer shall secure and verify employment via pay stubs or interviews with the employer. Also, if the offender is undergoing treatment or counseling, the officer shall verify all sessions with the counselor. Verification is an important aspect of supervision, for it ensures compliance with the conditions of the program.

#### Transfer Cases

The Intermediate Punishment Officer shall coordinate efforts with other jurisdictions when appropriate candidates are identified. When an offender resides in another jurisdiction, the intermediate punishment officer shall confer with the resident county to determine whether that jurisdiction has an intermediate punishment program. All arrangements shall be made by the intermediate punishment officer and forwarded to the Court for review. All costs associated with other county's programs will be absorbed by the offender, unless otherwise court ordered.

#### Courtesy Cases

The department will accept intermediate punishment cases from other jurisdictions. Requesting counties shall coordinate with the intermediate punishment officer to determine eligibility. The officer will conduct an investigation and advise the requesting county whether the offender qualifies. If the department accepts an offender for supervision, then an effective date shall be established. Upon enrollment in the program, the offender will be required to pay the current daily monitoring fee established by the court, for the entire period of supervision. No personal checks will be accepted, only cash or money orders. A receipt will be provided to the offender.

#### Caseload Limits

The Chief will periodically review the caseloads of the Intermediate Punishment Officer to ensure that the officer has a manageable caseload and proper resources. This review process will ensure that the minimum standards adopted by the State and the Court are not compromised.

[Pa.B. Doc. No. 02-165. Filed for public inspection February 1, 2002, 9:00 a.m.]

### LUZERNE COUNTY

#### Supervision Fees for Adult Probation/Adult Parole Department; No. 15 Misc. of 2002

#### Administrative Order

*And Now*, this 16th day of January, 2002, at 3:15 o'clock p.m., it is hereby *Ordered* and *Decreed* that effective February 1, 2002, in accordance with 18 P. S. 11.1102(c) every person placed on Probation/Parole, Accelerated Rehabilitative Disposition, Probation Without Verdict, Intermediate Punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a monthly Supervision Fee of Fifty (\$50.00) Dollars.

It is further *Ordered* that the District Court Administrator shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

*By the Court*

MICHAEL T. CONAHAN,  
*President Judge*

[Pa.B. Doc. No. 02-166. Filed for public inspection February 1, 2002, 9:00 a.m.]

### TIOGA COUNTY

#### Fee Schedule for Domestic Relations Section; No. 13 M.S. 2002

#### Order

*And Now*, this 14th Day of January, the following fee schedule is adopted and *Ordered* to be applied to all appropriate actions in the Domestic Relations Section of this Court:

New Complaint Fee—\$50.00  
Petition to Modify—\$15.00  
Contempt Petition Fee—\$50.00  
Employer Contempt Fee—\$100.00  
Bench Warrant Fee—\$50.00

All fees generated are to be used for the purpose of offsetting the operating costs of the Domestic Relations

Section. This order will be effective 30 days following publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT E. DALTON, Jr.,  
*President Judge*

[Pa.B. Doc. No. 02-167. Filed for public inspection February 1, 2002, 9:00 a.m.]

### WASHINGTON COUNTY

**L-1303—Hearing, Notice Continuance, Call of the List; No. 2000-1**

#### Order

*And Now*, this 28th day of November, 2001; *It Is Hereby Ordered* that the above-stated Washington County Local Civil Rule be amended as follows.

This rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

THOMAS D. GLADDEN,  
*President Judge*

**L-1303. Hearing, Notice, Continuance, Call of the List.**

a. The hearing date assigned to an arbitration case shall not be less than 120 nor more than 150 days from the date of filing.

b. Continuances shall be granted by the Court upon cause shown. There shall be no continuances granted on the date of the hearing except for emergencies

**c. A \$25.00 fee shall be charged for continuances. No continuance shall be granted without payment of required fee unless waived by the Court. Proof of payment shall be attached to the Motion when presented.**

**[ c ] d.** If a continuance has not been obtained and neither the plaintiff nor the defendant nor counsel for either appears, the case shall be dismissed and will not be rescheduled for arbitration. In order to maintain the litigation, the plaintiff must enter an appeal and proceed in accordance with L-1308.

When the defendant has not been served, a continuance is necessary to keep the case active.

**[ d ] e.** In a complex case, the Court, upon motion, may order the Court Administrator to schedule the case to a date certain and shall have a Board of Arbitrators appointed to hear such case.

**[ e ] f.** On the date of hearing, the Court Administrator shall call the list at the place designated by the Court Administrator at 9:15 a.m. for the morning session and again at 1:15 p.m. for the afternoon session. All parties and counsel shall be present at the appointed time and respond "ready" or "not ready" when called. The Court Administrator shall assign "ready" cases to Boards of Arbitration and designate the room in which the cases

are to be heard. They shall be assigned in order in which they appear on the list and in which they are "ready" to proceed. There shall be a second call of the list at 9:30 a.m. and 1:30 p.m.

[Pa.B. Doc. No. 02-168. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on January 17, 2002, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Philip Edward Vanriper, who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., 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. 02-169. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 13, 2001, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 12, 2002.

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

Kristin T. Accardi  
Mercerville, NJ

Glenn A. Ackerman  
Hoboken, NJ

Alexander N. Agiliga  
Takoma Park, MD

Chinyere Ahaghotu-Nwani  
Washington, DC

Martin J. Ahlijanian  
Herndon, VA

Aravind Aithal  
Piscataway, NJ

Virgil E. Alexander  
Dunwoody, GA

Viviana Amzel  
Los Angeles, CA

Kenneth G. Andres Jr.  
Haddonfield, NJ

Jocelyn A. Aqua  
Washington, DC



James P. Arnold  
Wayne, NJ

Dorothy T. Attwood  
Washington, DC

David A. Avedissian  
Cherry Hill, NJ

Sanford E. Balick  
New York, NY

Michael J. Banks  
Australia

Matthew J. Behr  
Northfield, NJ

Deborah C. Bradley  
Pennington, NJ

James P. Bradley  
Weehawken, NJ

George H. Buchanan  
LaGrangeville, NY

John E. Campo  
Marlton, NJ

John D. Caruso  
Morristown, NJ

Andrew D. Catanese  
Wildwood Crest, NJ

Lisa A. Chiappetta  
New York, NY

Robin C. Clark  
McLean, VA

Justin H. Cohen  
Rockville, MD

Philice K. Cohen  
Skillman, NJ

Leonard E. Collins Jr.  
Wilmington, DE

Robert F. Conley  
Fair Lawn, NJ

Kenneth P. Craig  
Elmira, NY

Kelly R. Dalmass  
Westmont, NJ

Joel A. Deifik  
Naples, FL

Rafael DeLeon  
Upper Marlboro, MD

Pamela M. Delaney  
Chicago, IL

Daniel J. Devers  
Miami, FL

Rebecca MK Edelstein  
Sherman Oaks, CA

Jerry Eisdorfer  
Somerset, NJ

Dawn K. Enright  
Germany

Barry S. Finkel  
Trenton, NJ

Dean C. Forbes  
Washington, DC

David E. Fretz  
Amherst, NY

Amy E. Furness  
Miami, FL

Ludwig P. Gaines  
Washington, DC

Samuel Garcia  
Puerto Rico

Robert T. Gerstner  
APO, AE

Kristin A. Giakas  
Wilmington, DE

Michael P. Ginley  
Saratoga Springs, NY

Jennifer L. Gioia  
Wilmington, DE

Daniel F. Goerke  
Rio Rancho, NM

Karen E. Goldman  
Washington, DC

Reginald D. Greene  
Bowie, MD

Alan W. Gross  
Cinnaminson, NJ

Peter J. Gulia  
East Brunswick, NJ

Michael M. Halbreich  
Atlanta, GA

Joseph C. Handlon  
Wilmington, DE

Craig E. Hantgan  
New York, NY

Bertrand C. Harry  
Cherry Hill, NJ

Edwin Harvey  
Washington, DC

Gregory L. Hawthorne  
New York, NY

Kelly C. Haynor  
Cherry Hill, NJ

Jon V. Heider  
Akron, OH

Renee L. Henderson  
Maple Shade, NJ

Barbara A. Hines  
Laurel, MD

Christopher D. Hite  
New York, NY

Clelia P. Hoffman  
Palm Beach, FL

Stacey B. Honowitz  
Miami, FL

James C. Hubbard  
Willingboro, NJ

Andrew E. Ingram Jr.  
Rahway, NJ

John A. Jackson  
Weston, FL

Edward D. Jacobson  
Washington, DC

Kathleen J. John-Lewis  
Columbia, MD

Antar C. Johnson  
Alexandria, VA

Barbara A. Johnson  
Bethesda, MD

Daniele C. Johnson  
Woodstock, GA

Stephen W. Johnson  
Sauquoit, NY

Agnes M. Johnson-Wilson  
Fairfield, CT

Mark L. Jones  
Naperville, IL

John J. Karasek  
Alexandria, VA

Adriana Katzew  
Cambridge, MA

Nathan W. Kearns  
Colorado Springs, CO

Richard C. Keel  
Australia

Jacqueline M. Kelleher  
Plattsburgh, NY

Brian W. Kincaid  
Parsippany, NJ

Thomas T. Kirwan  
Marlton, NJ

Donna M. Kisner  
Highlands Ranch, CO

Kenneth L. Klothen  
Washington, DC

Gregory F. Kotchick  
Morristown, NJ

Robert J. Kurtz  
New York, NY

Dorothy E. Langan  
Washington, DC

Eric Lavdas  
Cherry Hill, NJ

Kathryn A. Ledig  
Oak Hill, VA

Howard W. Levine  
Washington, DC

I. Lewis Libby Jr.  
Washington, DC

Kristin A. Lightner  
Denver, CO

Peter N. Littman  
Ithaca, NY

Joan H. Loeb  
Laredo, TX

Bert T. Lundberg  
Old Bridge, NJ

Carol E. Marcus  
Bethesda, MD

Gary M. Marek  
Mt. Laurel, NJ

Joseph R. Mariniello  
Ridgewood, NJ

Nathalie D. Martin  
Albuquerque, NM

Miliene McCutcheon  
Boston, MA

Richard J. McDonald  
Rockville, MD

Robert B. McKenna Jr.  
Denver, CO

Laura J. Meltzer  
Los Angeles, CA

Edward B. Mendy  
New Orleans, LA

R. Bruce Menke  
Kingwood, TX

Addison J. Meyers  
Coral Gables, FL

Anne M. Miles  
Chicago, IL

Anthony D. Miller  
Mt. Rainier, MD

Andrellos C. Mitchell  
Washington, DC

M. George Mooradian  
Westmont, NJ

Michelle A. Morrison  
Brooklyn, NY

Brian Murphy  
Bayonne, NJ

Timothy G. Murray  
Greenbelt, MD

Bruce A. Nahin  
Valencia, CA

Nancy S. Nash  
Williamsburg, VA

John M. Needham  
Madison, NJ

Talma Newsome-Blake  
Washington, DC

Patrick C. O'Hara Jr.  
Somerville, NJ

Daniel J. O'Rourke  
Palo Alto, CA

Tina Ordoukhanian  
Monaco

Robert F. Park  
Sicklerville, NJ

Mark G. Paulson  
Washington, DC

Joan E. Pearson  
Florham Park, NJ

Cheryl H. Picker  
Warren, NJ

Deborah A. Pierce  
Vauxhall, NJ

Naima A. Quarles  
New Rochelle, NY

Lori K. Reiner  
Haddon Heights, NJ

Kathleen A. Rittner  
Pompei

Tara A. Roscioli  
Newark, NJ

Lawrence Rosenberg  
New York, NY

Robert L. Ruben  
Washington, DC

Eva Rubinstein  
Williamsville, NY

Joel B. Rubinstein  
Palo Alto, CA

Julie L. Salas  
Seattle, WA

Robert L. Sarnick  
Garden City, NY

Linda M. Samuel  
Washington, DC

Kimberly A. Scardino  
Washington, DC

Frederick P. Schaffer  
New York, NY

Suzanne L. Schmelter  
Prescott, AZ

David L. Schmitt  
Braintree, MA

Richard C. Schragger  
Washington, DC

Nancy S. Schultz  
Rockville, MD

Jeffrey L. Schwartz  
Metuchen, NJ

Glen D. Schwarzschild  
Cherry Hill, NJ

Fredrica Scott  
Washington, DC

Harold L. Segall  
Washington, DC

Steven E. Serdikoff  
Gaithersburg, MD

Karen R. Shanes  
Rye, NY

Kevin R. Shannon  
Absecon, NJ

Robert C. Shea  
Toms River, NJ

Tselane Sheppard-Williams  
Wellesley, MA

David A. Shults  
Hornell, NY

Susan Sieh-Raffman  
Woodinville, WA

Joel B. Silver  
Voorhees, NJ

Jacqueline M. Sims  
Washington, DC

Ivonia K. Slade  
Washington, DC

Rostyslaw J. Smyk  
Chicago, IL

Kirk I. Spencer  
Grand Rapids, MI

David J. Sprong  
Roseland, NJ

Albert L. Stein  
Cherry Hill, NJ

Edward F. Stopyra  
Newark, DE

Martin P. Sullivan  
Arlington, VA

James R. Tabano  
Wyckoff, NJ

Tamara G. Telesko  
New York, NY

Donald M. Temple  
Washington, DC

Sara D. Trujillo  
Arlington, VA

Maria Tzanakis  
Voorhees, NJ

Karen S. Vagley  
McLean, VA

Thomas B. Vertetis  
Federal Way, WA

Manuel Villegas Jr.  
Long Beach, CA

Kathleen G. Waldron  
West Trenton, NJ

Michael V. Ward  
Orange, CA

Courtney A. Wellar  
Syracuse, NY

Sidney G. Wigfall  
Princeton, NJ

Shawn T. Williams  
Alexandria, VA

Valerie B. Williams  
Bordentown, NJ

Rachel A. Wingerter  
Caldwell, NJ

Robb N. Wong  
Gaithersburg, MD

Nancy R. Wood  
Mt. Holly, NJ

Wendy Z. Woods  
Washington, DC

Ingrid B. Wuerth  
Cincinnati, OH

Maria A. Yelland  
Mercerville, NJ

Allison S. Zales  
Cherry Hill, NJ

David E. Zerbee  
Fairfax, VA

Michael Zoob  
Key West, FL

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

[Pa.B. Doc. No. 02-170. Filed for public inspection February 1, 2002, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF PODIATRY [49 PA. CODE CH. 29]

#### Fees

The State Board of Podiatry (Board) amends §§ 29.1, 29.12, 29.13 and 29.83 to read as set forth in Annex A, by revising those fees which are not related to license renewals but rather to applications and specific services to accurately reflect the cost of processing applications and providing services, and by omitting a reference to the examination fees for the National licensing examination and podiatry radiology examination.

#### A. *Effective Date*

The amendments are effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

The amendments are authorized under section 14(a) of the Podiatry Practice Act (63 P. S. § 42.14(a)).

#### C. *Background and Purpose*

Expenses of the Board which are related to processing individual applications or providing certain services directly to individual licensees or applicants are funded through fees which are based on the cost of providing the service. The fee is charged to the person requesting the service.

A recent systems audit within the Bureau of Professional and Occupational Affairs determined that the application and service fees did not accurately reflect the actual cost of processing the applications and performing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 31 Pa.B. 1858 (April 7, 2001).

#### D. *Comment and Regulatory Review of Proposed Rule-making*

Publication of proposed rulemaking at 31 Pa.B. 1858 was followed by a 30-day public comment period during

which the Board received no public comments. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). The Board did not receive comments from either the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The following is a response to the comments submitted by IRRC:

IRRC suggested that the Board define "National Board" in the definitional section of Chapter 29. The Board has complied with this suggestion by adding the definition in § 29.1 (relating to definitions) and making editorial changes to § 29.12 (relating to adoption of National Board examination).

Currently, candidates take the National Board examination and the PM Lexis examination sequentially. Both examinations are recognized uniform examinations used throughout the United States. The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). The fee for the examination is established by the National examiner and communicated directly to the applicants. Applicants for the exam pay the examination fee directly to the National examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiner's examination fee in the Board's regulations. Therefore, the Board is eliminating reference to the examination fee.

IRRC further inquired whether there is a mechanism in place to provide for a refund of the advance-paid \$25 fee for the application for authorization to perform radiologic procedures in the event that the applicant does not pass the examination and ultimately decides not to retake it. Applicants may request a refund by providing to the Board their name, address, Social Security number and a statement they are no longer interested in obtaining authorization in this Commonwealth. Because this is the only application fee that can be refunded, the original language in § 29.13 (relating to fees) stating, "These fees will not be refunded," has been deleted.

#### E. *Description of Amendments*

The following table outlines the affected application fees, changes and date the indicated fee was last changed:

<i>Fee Type</i>	<i>Current Fee</i>	<i>Effective Date</i>	<i>Proposed Fee</i>
1. Initial License	\$25	03/17/90	\$30
2. License By Reciprocity	\$105	02/18/89	\$95
3. Application For Approval of Educational Conference	\$50	02/18/89	\$75
4. Certification of Licensure or Scores	\$15	02/18/89	\$25
5. Verification of License	\$10	02/18/89	\$15
6. Application for Authorization to Perform Radiologic Procedures	\$0		\$25

#### F. *Compliance with Executive Order 1996-1*

Under Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendments the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

#### G. *Fiscal Impact and Paperwork Requirements*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The

amendments will impose no additional paperwork requirements upon this Commonwealth, its political subdivisions or the private sector.

H. *Sunset Date*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 1858 to IRRC, the SCP/PLC and the HPLC for review and comment.

In preparing the final-form regulations, the Board has considered any comments received from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the HPLC and the SCP/PLC on December 26, 2001. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 10, 2002, and approved the final-form regulations.

J. *Contact Person*

Further information may be obtained by contacting Gina Bittner, Board Administrator, State Board of Podiatry, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649 (gbittner@state.pa.us).

K. *Findings*

The Board finds that:

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

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

(3) The amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 1858.

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

L. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 29, are amended by amending §§ 29.1, 29.12, 29.13 and 29.83 to read as set forth in Annex A.

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

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

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

JEFFREY S. GERLAND, D.P.M.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 477 (January 26, 2002).)*

**Fiscal Note:** Fiscal Note 16A-444 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 29. STATE BOARD OF PODIATRY**

**Subchapter A. FEES**

**§ 29.1. Definitions.**

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

*Act*—The Podiatry Act of 1956 (63 P. S. §§ 42.1—42.21a).

*Board*—The State Board of Podiatry Examiners of the Commonwealth.

*National Board*—The examination given by the National Board of Podiatric Medical Examiners.

**§ 29.12. Adoption of National Board examination.**

(a) The Board adopts as part of its examination the National Board. Candidates who have passed this examination under the standards in section 8 of the act (63 P. S. § 42.8) will be considered as having passed this portion of the Board's examination.

(b) Applicants who have passed the National Board will be permitted to take the PM Lexis examination or an examination given by its current provider or successor provided they meet the other requirements for examination imposed by the act or by this chapter.

(c) The Board has adopted Nationally recognized examinations for both of the examinations in subsections (a) and (b). Fees are established by the National owners/providers of the examinations. Candidates for examination shall obtain applications directly from the provider and pay the fee for the examination directly to the provider.

**§ 29.13. Fees.**

(a) The schedule of fees charged by the Board is as follows:

Initial license.....	\$30
Biennial renewal of license .....	\$175
License by reciprocity .....	\$95
Branch office certificate .....	\$ 20
Application for approval of educational conference .	\$75
Certification of licensure or scores .....	\$25
Verification of licensure .....	\$15
Application for authorization to perform radiologic procedures .....	\$25

(b) Fees shall accompany applications and be made payable to the "Commonwealth of Pennsylvania" by personal check or money order.

**Subchapter B. EXAMINATIONS**

**§ 29.83. Examinations.**

(a) An examination in radiology shall cover the subjects of anatomy, physiology and physics for technicians and

radiographers, with emphasis being placed on the scope of the practice of podiatric medicine.

(b) Applications for examination shall be completed on forms furnished by the Board and submitted at least 60 days prior to the scheduled date of the examination to the address indicated on the application materials with the fee as required by the examination administrator.

[Pa.B. Doc. No. 02-171. Filed for public inspection February 1, 2002, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 271 AND 287]

### Safe Fill

The Environmental Quality Board (Board) proposes to amend Chapters 271 and 287 (relating to municipal waste—general provisions; and residual waste management—general provisions). The amendments are the result of a comprehensive reevaluation of the Department of Environmental Protection's (Department) present clean fill policy.

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

#### A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information contact William F. Pounds, Chief of the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7564, or Michelle M. Moses, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of the following:

The Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.101—6018.1003), which in section 105(a) of the SWMA (35 P.S. § 6018.105(a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA.

The Clean Streams Law (CSL) (35 P.S. §§ 691.1—691.1001), which in section 5(b) of the CSL (35 P.S. § 691.5(b)) grants the Department the authority to formulate, adopt, promulgate and repeal rules and regulations necessary to implement the CSL, and which in section 402 of the CSL (35 P.S. § 691.402) grants the Department the authority to adopt rules and regulations requiring permits or establishing conditions under which an activity shall be conducted for any activity that creates a danger of pollution of the waters of this Commonwealth or that regulation of the activity is necessary to avoid pollution.

The Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. §§ 4000.101—4000.1904), which in section 302 of the act (53 P.S. § 4000.302) gives the Board the power and duty to adopt regulations of the Department to accomplish the purposes and carry out the provisions of this act.

The Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P.S. §§ 6026.101—6026.909), which in section 104(a) of Act 2 (35 P.S. § 6026.104(a)) authorizes the Board to adopt Statewide health standards (SHS), appropriate mathematically valid statistical tests to define compliance with Act 2 and other regulations that may be needed to implement Act 2. Section 301(c) of Act 2 (35 P.S. § 6026.301(c)) authorizes the Department to establish by regulation procedures for determining attainment of remediation standards when practical quantification limits set by the United States Environmental Protection Agency (EPA) have a health risk that is greater than the risk levels established in Act 2. Section 303(a) of Act 2 (35 P.S. § 6026.303(a)) authorizes the Board to promulgate SHSs for regulated substances for each environmental medium and the methods used to calculate the SHSs.

The Administrative Code of 1929 (code) which in section 1905-A of the code (71 P.S. § 510-5) authorizes the Department to require applicants for permits and permit revisions to provide written notice to municipalities; in section 1917-A of the code (71 P.S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the Department; and in section 1920-A of the code (71 P.S. § 510-20) grants the Board the power and the duty to formulate, adopt and promulgate rules and regulations determined by the Board for the proper performance of the work of the Department.

#### D. *Background and Purpose*

The residual waste program in this Commonwealth was developed under the SWMA. There are currently no comprehensive Federal regulations governing the management of nonhazardous industrial, mining and agricultural wastes (residual waste). The SWMA authorizes the Department to develop and the Board to promulgate regulations to manage residual waste. Under the SWMA, residual waste generally consists of waste from industrial, mining and agricultural operations, and includes nonhazardous sludge from an industrial, mining, or agricultural waste treatment or pollution control facility. On July 4, 1992, the Board promulgated a comprehensive set of regulations for the management of residual waste. The regulations were recently updated, on January 13, 2001, through the Regulatory Basics Initiative (RBI). Under the RBI, the Department reevaluated existing regulations based on specific criteria.

In 1996, after passage of Act 2, the Department revised its clean fill policy and updated the clean fill standards, which are currently in effect. Since that time, the Department has attempted, on two occasions, to revise the interim policy by proposing changes that were open to public comment. First, on August 28, 1997, the Department published a draft clean fill policy. Comments were received during the public comment period. Major comments raised included the following: 1) for metals, the use of 10% of the residential direct contact values from the SHSs in Chapter 250 (relating to administration of land recycling program) as clean fill standards did not take into consideration natural occurrence of the metals; 2) the Cleanup Standards Scientific Advisory Board (CSSAB) should be asked to review the scientific and technical basis for the standards; 3) soils with low concentrations of listed hazardous wastes should be allowed to be used as



clean fill provided their use does not pose unacceptable risks to human health and the environment; 4) allow targeted sampling to be conducted to reduce the costs of sampling and analysis and allow the use of statistical tests in Chapter 250 to demonstrate that soil meets the clean fill standards; and 5) provide more flexibility for offsite movement and use of soils remediated under Act 2.

The second and most recent effort to update the standards occurred on March 11, 2000, when the Department developed a safe fill policy and related documents to address the safe movement and use of soil and dredged material as fill or construction material. The documents included proposed amendments to the residual waste regulations to provide flexibility for movement of contaminated soil and dredged material under a permit-by-rule (PBR), for movement of contaminated soil under a general permit for beneficial use, for use of historic fill through exemptions under the waste definition and for movement of waste materials onsite as part of a remediation conducted under Act 2 under a permit waiver. The Department held three public information meetings and hearings for the purposes of presenting and discussing the package and receiving testimony. In addition, written comments were accepted during a 60-day period.

During the public comment period for the March 11 proposal, 40 commentators provided input on the package. The Department considered the comments received at the public hearings and the written comments received on the draft safe fill package in the development of this proposed rulemaking package.

The following is a summary of major comments received on the draft safe fill package and responses indicating how the comments are addressed in this proposed rulemaking.

#### *Draft Safe Fill Policy*

Several commentators indicated that safe fill criteria, especially numeric standards, should be issued in regulation form rather than as a statement of policy. In response to these comments, the Department is proposing to include the numeric standards for safe fill in this rulemaking.

Most of the commentators opined that the numeric standards in the draft policy were too restrictive, which would result in regulating slightly contaminated soil as waste. One commentator suggested that safe fill numeric limits must be set at higher levels to be usable and workable on excavation projects. Several commentators recommended that fill should be defined by its use and not by levels of chemical constituents in the material. One commentator indicated that unless there is some evidence that the material proposed to be used as fill is contaminated by virtue of its appearance, odor or historical impacts, the presumption should be that the soil or other materials are uncontaminated and not subject to requirements of the SWMA.

The Department used certain SHSs promulgated under the Act 2 regulations to develop the numeric criteria in the draft policy and also took into account the natural occurrence of metals in soil in establishing numeric criteria for metals. In the proposed rulemaking, the Board is adopting the numeric standards suggested by the CSSAB in their recommended alternative to the safe fill policy proposal. The Board decided, however, that for copper and zinc, criteria based on the EPA Part 503 regulations for the land application of sewage sludge should be used. These criteria, promulgated in the State's municipal waste regulations in § 271.914 (relating to

pollutant limits), consider plant toxicity in establishing acceptable levels for copper and zinc in soil.

The proposed safe fill numeric standards in this rulemaking are less stringent than the numeric standards proposed in the draft policy. To compensate for the numeric differences, the proposed amendments indicate that to qualify as safe fill, there must be no indication of a spill or release to the soil and there must be no visual stains, odors or other nuisances. Safe fill is, therefore, defined by impacts to the soil as well as by the numeric standards.

One commentator mentioned that the draft policy undercuts programs, including the Act 2 and residual waste program, and that the Department should seek to build on its existing programs rather than develop a new set of standards on "how clean is clean" in this Commonwealth. Since the SHS were developed to address cleanups at contaminated sites, they do not consider the impacts associated with the movement of soils to areas where soils are below the numeric levels used as the threshold for safe fill. In addition, unlike the land recycling program, locations where safe fill is placed are not evaluated from a geological or hydrological standpoint in advance of placement of material.

Several commentators raised concerns about using estimated quantitation limits (EQLs) as safe fill numeric standards for organic regulated substances in the draft policy. The concern expressed was that the use of EQLs would disqualify vast amounts of soil and other materials that may contain background concentrations of organic compounds resulting from airborne deposition and other mechanisms wholly independent of any particular spill or release. The Department used EQLs for organic regulated substances with the understanding that organics do not occur as natural constituents in soil. It is very likely, however, that miniscule quantities of organic substances may be generated by microbial decomposition of plants and soil. To account for this situation, the safe fill numeric standards in this proposal are based on a subset of the SHSs of Act 2. In the proposed regulations, the Board is adopting the numeric standards recommended by the CSSAB in their alternative proposal to the draft safe fill policy. The safe fill numeric value for organic regulated substances is the lower of the residential generic value (RGV) or the residential direct contact (RDC) value from the soil-to-groundwater pathway numeric values for a used aquifer and total dissolved solids (TDS)  $\leq 2500$  mg/L from Chapter 250, Table 3B of Appendix A.

Commentators also raised concerns on the numeric standards for metals in the draft policy stating that selecting the lower value between the estimated background and residential direct contact values is not appropriate as the SHS are based on health risks and background is based on natural occurrence. Concerns were expressed on the limited database used to develop estimated background values for most of the metals as being too regional to be of use. It was suggested that the Department perform a more detailed study of background concentrations for inorganic regulated substances (metals) in this Commonwealth before proposing background standards for these constituents. For inorganic regulated substances, the proposed amendments include the numeric standards recommended by the CSSAB in their alternative proposal to the draft safe fill policy. The safe fill numeric value for metals is the lower of the residential generic soil-to-groundwater pathway value (RGV) and the lowest residential direct contact value (RDC). The

value is further based on a used aquifer and TDS  $\leq$ 2500 mg/L from Chapter 250, Table 4B of Appendix A. By capping the safe fill numeric values at RDC, the proposed amendments protect human health by controlling exposure to regulated substances that are toxic to highly toxic.

Some commentators indicated that although the draft policy stated that sampling was voluntary, sampling would probably be necessary in most cases to show that the material is not hazardous and to confirm that it meets the numeric criteria of safe fill. According to the commentators, anyone wanting to move soil around will likely need to sample the soil to avoid liability. In addition, concern was raised that sampling will be cost prohibitive and will delay construction/development projects. One commentator further stated that there was no guidance on the number of samples that would be required for safe fill determinations. The commentator recommended that the Department use the 75%/10X rule used for the SHS in the Act 2 program for sampling and analysis of safe fill. The proposed amendments include a sampling and analysis protocol recommended by the CSSAB in their alternative proposal to the draft safe fill policy; however, sampling is not required. When sampling, the number of samples necessary is tied to the volume of soil proposed for use as fill. Discrete samples must be analyzed using a 75%/2X rule—75% of the samples taken must be less than or meet the standard, and no sample may be greater than two times the standard. For composite samples, the samples must be equal to or less than 1/2 the safe fill numeric standard in order to be equivalent to the 75%/2X rule proposed for discrete sampling.

Three commentators stated that the draft policy is not clear on the onsite movement of excavated materials. The commentators recommended unrestricted onsite use of excavated material, including historic fill, without any sampling/analysis requirements. According to the commentators, sampling should be required only if the material is impacted by a spill or a release. In the proposed rulemaking, safe fill, which includes small quantities of historic fill, may be used within a right-of-way or within a property without sampling and analysis as long as the fill does not exceed nonresidential standards under the land recycling program. The safe fill definition offers three options for determining whether material meets the safe fill standards, including an option that relies on an appropriate level of due diligence and knowledge of the site that does not require sampling and analysis.

A few commentators questioned the exclusion of used asphalt from the list of materials qualifying for use as safe fill. Used asphalt is extensively used as fill and to bring areas to grade in a variety of construction projects. In the proposed regulations, the definition of safe fill includes "uncontaminated used asphalt." In addition, contaminated used asphalt may qualify for beneficial use under a PBR in new § 287.102(m) (relating to permit-by-rule).

One commentator indicated that the exclusion provided to soil excavated from trenches dug for utility installation, maintenance and replacement should include water pipelines. The Department has always maintained that right-of-way projects include those activities conducted for water pipelines. In the proposed rulemaking, safe fill includes material excavated and moved within right-of-way projects.

One commentator was concerned that the standards in the draft policy for safe fill were more stringent than the requirements under the Storage Tank and Spill Preven-

tion Act (Act 32) (35 P. S. §§ 6021.101—6021.1315). The Department maintains that the standards in Act 32 are cleanup standards that apply to contaminated sites. Safe fill defines the threshold for material that is uncontaminated and has not been subject to a spill or release.

Several commentators raised concerns that most of the river dredging operations would be negatively impacted by the stringent numeric criteria in the draft policy and that sampling/analysis would be necessary every time dredging is carried out, to avoid liability. Commentators indicated the draft policy conflicted with maintenance and construction dredging operations, that are routine and frequent and are conducted in the western part of the State to keep river docks and berths open for access. It was also pointed out that dredged material excavated from western rivers is different in its contaminants status from that excavated from the waterways in the eastern part of the State and should be regulated differently. Commentators suggested that the Department further evaluate the legal and scientific issues under which dredging takes place before establishing standards and criteria for the environmentally sound management of navigational dredged material. As a result of these concerns, the proposed amendments include uncontaminated dredged material as safe fill. In addition, dredged material that exceeds safe fill numeric standards may be used for beach nourishment or as a soil additive or substitute on lands adjacent to a dredging operation. The proposed amendments also include greater flexibility in determining whether dredged material meets the safe fill definition by allowing due diligence and knowledge when making the determination.

#### *Draft PBR*

Several commentators took issue with the definition of contaminated soils under the PBR provision and stated that factual investigation and analysis will be required to determine which of the five PBR categories apply. The commentators recommended that only soils exceeding a set numeric criterion should be considered contaminated. The Department considers other characteristics about the soil, such as whether it has been subject to a release of a chemical or its elevated chemical levels are based on natural occurrences, to be important factors when determining whether it should be considered waste. In addition, soil may meet a numeric chemical standard but be offensive from a nuisance perspective, such as odorous. Unrestricted placement of odorous soil would be problematic.

Several commentators took issue with the Department's notification and deed notice requirements in the PBR provisions indicating that these requirements go beyond the regulatory requirements and are inconsistent with the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the SWMA. The commentators indicated that sites that are cleaned up to the residential SHS under the Act 2 program get relief from deed notice requirements under that act. Deed notices in the proposed amendments are only included in circumstances where nonresidential standards will be met. The notification requirements have been retained to provide information to the Department that includes the location of these permitted waste activities.

Some commentators did not approve of linking property use to zoning as it makes PBR unavailable to areas not subject to local zoning ordinances. Under the proposed amendments, PBR materials may be placed on unzoned properties provided the background concentration for regulated substances in unzoned properties is equal to or

greater than the concentration in the soil brought to the receiving site and provided the unzoned property will be used for commercial or industrial purposes only.

One commentator requested that "abandoned mine reclamation" allowed under the PBR provisions should be replaced with "surface mining" as quarry reclamation using safe fill is a routine reclamation method approved on a case-by-case basis by the Department's Bureau of Mining and Reclamation. The proposed amendments include changes to the PBR provisions that allow contaminated soils to be used for reclamation at both active or abandoned mines.

A commentator raised issue with the dewatering restriction in the draft PBR provisions. Under the dewatering provision, a soil is dewatered as long as it remains in place at the receiving site. The commentator stated that it made no legal or technical sense and would lead to long-term uncertainty and confusion about current and future use of the property. The dewatering provisions have been retained in the proposed amendments. When contaminated soil or other materials are excavated and relocated in the future, management of the materials shall be conducted under the SWMA.

#### *Draft General Permit*

Several comments were received on the draft general permit. The draft general permit was developed for the beneficial use of contaminated soil at a remediation site to bring an area to grade, to control runoff and to limit infiltration of water.

One commentator objected to the movement of contaminated soil from one industrial site to another with the only stipulation that contaminants be similar. This commentator expressed that the Department should only allow the cleanest of soils to be received at contaminated sites, under the Growing Greener Initiative. According to this commentator, the draft general permit amounted to encouraging the polluting of a site while bringing it to grade. Several commentators indicated that the scope of the general permit was too limited and excessively restrictive as it allowed only movement of contaminated soil between Act 2 sites undergoing remediation under the SHS. The commentators recommended the Department not restrict movement to Act 2 sites only because the restriction ignores the magnitude of ongoing redevelopment projects. A few commentators wanted the general permit to apply to sites undergoing remediation using the Act 2 site-specific standard, also. Several other conditions in the draft general permit were considered too restrictive and hindered the movement of soil, such as requiring waste brought to the site being similar to contamination identified at the remediation site, requiring identification of contaminants brought to the Act 2 site in the notice of intent to remediate (NIR), requiring no exceedance of receiving site remediation standards and requiring ecological screening for organic contaminants.

The CSSAB in their alternative proposal to the draft safe fill package had suggested that the Department rescind the general permit. At this time, the Board is not proposing a general permit and, instead, is proposing a PBR in § 287.102.(o) to cover the activities described in the draft general permit.

The March 11 proposal was also reviewed by and discussed with the CSSAB on April 12, 2000, and by the Solid Waste Advisory Committee (SWAC), in advance of its notice of public release on March 9, 2000. On June 22, 2000, the CSSAB presented its alternative approach in response to the March 11 proposal. On February 22, 2001,

in response to all the comments received on its previous proposal, the Department presented this regulatory proposal to the CSSAB for review and comment. In addition, the Department met twice with subcommittees of SWAC and CSSAB on March 19, 2001, and April 30, 2001, to discuss this proposal. In addition, the Department met with SWAC on March 9, 2000, and provided an overview of this proposal and some specific language. This proposed rulemaking was approved by SWAC at its May 10, 2001, meeting.

This proposed rulemaking responds to many of the comments received during the previous public comment periods and the concerns raised by the advisory committees to the Department.

Based on the extensive evaluation of the Department's proposed standards for safe fill, the Department has determined that the numeric standards referenced in proposed § 287.11(a) (relating to safe fill numeric standards) and found in Appendix A, Tables 1, 2 and 3 may be used to demonstrate that material is clean fill in accordance with the Department's guidance document titled "Policy and Procedure Establishing Criteria for Use of Uncontaminated Soil, Rock, Stone, Unused Brick and Block, Concrete and Used Asphalt as Clean Fill" (Doc. No. 258-2182-773).

#### *E. Summary of Regulatory Requirements*

A description of the proposed amendments is as follows:

##### *Article VIII. Municipal Waste Management Chapter 271. Municipal Waste Management—General Provisions*

#### *Section 271.1. Definitions.*

The term "clean fill" has been deleted in this proposed rulemaking. A new term, "safe fill," has been added to this section and will replace the use of the term "clean fill."

The term "construction/demolition waste" has been modified. First, in subparagraph (v), the word "unsegregated" has been deleted. Second, language that discusses "clean fill" has been deleted.

A new term, "historic fill," has been added to describe material that was historically used in the foundations of construction projects prior to 1988<sup>1</sup>, particularly in urban areas, and that is commonly found below buildings when clearing property for redevelopment. This material frequently includes mixtures of soil and various waste materials. Under the proposed amendments, historic fill is managed as waste unless it is generated in quantities less than or equal to 125 cubic yards per excavation location and it is both free of nuisance-related characteristics and free of contact with a release of a regulated substance.

The term "safe fill" has been added to this section with a cross reference to the residual waste regulations. The term is cross referenced here to avoid duplication. The term "safe fill" is discussed in more detail in this Preamble.

#### *Section 271.2. Scope.*

Subsection (c) has been modified to include a new category of material, historic fill, which shall be managed in accordance with the residual waste regulations, rather than the municipal waste regulations, regardless of where

<sup>1</sup>The year 1988 is the date that comprehensive municipal waste regulations became effective under the SWMA. After 1988, state-of-the-art practices required by the regulations applied to the management of this material.

the material is generated. This modification will provide flexibility for managing the historic fill under a PBR.

*Section 271.101. Permit requirement.*

This section has been modified to remove the references to "clean fill" in subsection (b)(3). This provision is no longer necessary based on the changes to this regulatory proposal that address "safe fill." Materials that qualify as safe fill, when used as fill, are no longer considered waste and a permit is not required for placement. Therefore, a permit exemption for this activity is not necessary. In addition, with respect to land clearing waste, new language was added to this section on December 22, 2000, that eliminates the need for a permit if land clearing waste is used in accordance with best management practices.

*Section 271.103. Permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements.*

Under this proposed rulemaking, subsection (g) has been amended for consistency with other parts of this rulemaking. The term "uncontaminated" has been deleted and new language has been added to indicate that the materials shall be separated from other waste and contaminants to be eligible for processing under this PBR.

This subsection has also been amended to allow mechanical processing facilities to receive up to 350 tons per day of segregated construction/demolition waste components provided certain conditions can be met. These modifications will facilitate the processing and reuse of brick, block and concrete that is separated from construction/demolition waste.

A new PBR, subsection (i), has been added to address the beneficial use of brick, block and concrete. Presently, contaminated and segregated brick, block or concrete is managed predominantly at landfills. This new category of PBR has been added to allow the beneficial use of these materials as construction material or in active or abandoned mine or abandoned quarry reclamation activities. Two examples of contaminated brick, block or concrete are when asbestos used as insulation for piping or boilers and PCBs used in ballast for lighting fixtures become dispersed among the material.

Under this permit, contamination levels may not exceed the lower of the residential generic value of the soil-to-groundwater numeric value compared to the lowest RDC numeric value, calculated for used aquifers, and listed in Tables 5 and 6 of Appendix A in Chapter 287. In addition, brick, block and concrete may be placed in waters of this Commonwealth under this permit if Department approval has been obtained and the mine or quarry reclamation activities or under Chapter 105 (relating to dam safety and waterway management) and if certain conditions are met. Under any use, placement of waste in water may not cause a violation of water quality standards.

Under this subsection, several conditions have been developed for this PBR that include the following: 1) site restrictions; 2) implementation of erosion and sedimentation control plan requirements; 3) prohibitions on the use of hazardous waste; 4) obligations to provide written notice to the Department of the person beneficially using the material, the amount of material used at a site and the locations of use; and 5) obligations to maintain records of any analytical evaluations. Material may only be placed on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, material shall be used in an area where the

background is equal to or greater than the concentration of contamination in the material being brought to the site, and the property must be used for commercial or industrial purposes only. In addition, waste that is placed in accordance with this permit will cease to be waste as long as the material remains in place.

*Article IX. Residual Waste Management  
Chapter 287. Residual Waste Management General Provisions*

*Section 287.1. Definitions.*

The term "clean fill" has been deleted and replaced with the term "safe fill" in this proposed rulemaking.

The term "historic fill" has been added to the proposed amendments to clarify the management requirements that may apply to this material. The definition is consistent with the term added in § 271.1, discussed previously.

The term "safe fill" has been added to the proposed amendments to replace the term "clean fill." "Safe fill" is more descriptive of the uncontaminated materials that the Department continues to exclude from the definition of waste. "Safe fill" is material that is uncontaminated and is one of the following: soil; dredged material; used asphalt; or segregated brick, block or concrete from construction or demolition activities from residential and commercial properties. Used asphalt is not waste under subparagraph (ii)(A) of the definition of "waste" in § 287.1 when used or reused as an ingredient in the asphalt production process to make a product, such as new pavement structure, or when used as a coproduct. Construction or demolition materials from an industrial site will not qualify as "safe fill" due to the potential of contamination resulting from industrial activities at the property. In addition, when considering whether brick, block or concrete is "uncontaminated," the material should be separated from materials like lead-based paint surfaces, friable asbestos and hazardous materials such as PCB ballasts and fluorescent light bulbs.

To further qualify as "safe fill," due diligence shall indicate that the material has not been subject to a release, and the material does not contain any visible staining, odor or other sensory nuisance resulting from chemical contamination associated with the material.

One of the difficult issues associated with this term is how to determine whether a material is "uncontaminated." The proposed regulation offers three options. First, a person may conduct comprehensive sampling and analysis of the material to determine whether it meets numeric standards. Second, a person may use due diligence, the diligence reasonably expected, to determine whether past activity at the site had the potential to result in a release of regulated substances but there is no knowledge of a release and, based on the performance of due diligence, the material meets the numeric standards. Under this scenario, limited testing may be required to make a determination. Third, a person may use due diligence and knowledge of the site to demonstrate that the fill meets the numeric standards without sampling and analysis. In addition, the material may not be affected by a release and shall be free of visible stains, odors and other sensory nuisances.

Several exceptions for material that does not meet the numeric standards have been incorporated into this term. First, subparagraph (i) provides an exception for material moved within a right-of-way, moved offsite from residential properties and moved within a property as long as the material has not been subject to a release and is free of stains, odors and other sensory nuisances. The higher

levels are capped, under subparagraph (viii), at the lower of the nonresidential direct contact numeric value or nonresidential soil-to-groundwater pathway numeric value established for aquifers used or currently planned for use under the remediation standards of the Act 2 program. With regard to the rights-of-way and movement within a property, the movement of large quantities of soil is limited to reuse within the right-of-way or within the same property, thereby limiting exposure to soils that contain higher levels of chemical substances. Due to the small likelihood that residential properties contain historical chemical contamination that might exceed the safe fill numeric standards, it is inappropriate to burden all of the properties with excessive sampling and analysis.

Second, subparagraph (iii) provides an exception for soil moved from a fruit orchard under development where pesticides were properly applied in conjunction with standard horticultural practices as long as the material has not been subject to an unauthorized release and is free of stains, odors and other sensory nuisances. This exception was incorporated to recognize that some soil on orchard properties may exceed the safe fill numeric standards even though the chemicals were applied in compliance with law. Due to the large area of acreage that may be affected, if the soil exceeds the numeric values for safe fill, it may be used for commercial or industrial purposes. When used for these purposes, the higher numeric levels are capped, under subparagraph (viii), at the lower of the nonresidential direct contact numeric value or nonresidential soil-to-groundwater pathway numeric value established for aquifers used or currently planned for use under the remediation standards of the Act 2 program. The soil may also be used for residential purposes if it is blended with other soil to meet the safe fill numeric values.

Third, subparagraph (iv) provides an exception for dredged material placed directly on land adjacent to a dredging operation for beach nourishment or as a soil conditioner or soil substitute as long as the material has not been subject to a release and is free of stains, odors and other sensory nuisances. This exception was incorporated to allow the continuation of what is considered a common practice and involves the placement of material that has eroded from a beach to be placed back near the same beach location. If the dredged material exceeds the numeric values for safe fill, it may be used for commercial or industrial purposes. When used for these purposes, the higher numeric levels are capped, under subparagraph (viii), at the lower of the nonresidential direct contact numeric value or nonresidential soil-to-groundwater pathway numeric value established for aquifers used or currently planned for use under the remediation standards of the Act 2 program. The dredged material may also be used for residential purposes if it is blended with other soil or other dredged material to meet the safe fill numeric values.

In addition to exceptions based on numeric values, subparagraph (v) provides a quantity exception for historic fill. Historic fill in quantities less than 125 cubic yards per excavation location, which is the equivalent of approximately five dump trucks full of material, is considered safe fill as long as the material has not been subject to a release and is free of stains, odors and other sensory nuisances. This exception was added to recognize that ordinary development of residential property, including the replacement or addition of utility lines, results in the movement of historic fill on a regular basis and rarely causes environmental concern.

In most cases, safe fill may not be placed in waters of this Commonwealth. However, subparagraph (vi) allows safe fill to be placed in waters of this Commonwealth under active or abandoned mine or abandoned quarry reclamation or under Chapter 105 if, among other conditions, 10% of the numeric standards for safe fill are met. This margin of safety for placement of soil in saturated conditions was developed by the CSSAB as a SHS (soil-to-groundwater pathway generic value) under the land recycling program and was endorsed by the CSSAB for use in developing standards for placement of safe fill in water. Placement of safe fill in water shall be approved by the Department. Under any use, placement of safe fill in water may not cause a violation of water quality standards.

Subparagraph (vii), which is contained in the existing regulations in § 287.101(b)(6) (relating to permit requirement), continues to place the burden of proof that material is safe fill on the person using the material. Like coproduct determinations, prior approval from the Department to use safe fill is not required. Therefore, if a problem results from the use of the material, the person who placed the material will need to prove that requirements for its use have been met.

Subparagraph (viii) provides a numerical cap for safe fill when sampling and analysis is conducted under the application of due diligence and subparagraph (i). Subparagraph (viii) does not override the decision of whether sampling and analysis is performed under subparagraph (i) to determine whether material is safe fill.

Subparagraph (ix) indicates that materials that meet the requirements under this term are not regulated as waste when used as fill. This provision was added to clarify the regulatory status of safe fill.

The term "sediment" has been added to this proposal to explain what material qualifies for an alternative methodology to that specified in § 287.11 for sampling and analysis. Material that is sediment is material that remains underwater when sampled and cannot be sampled and analyzed under the same methodologies as dredged material that is removed from the water and deposited in basins. Once removed for placement, sediment is managed as dredged material. The Department will develop guidance on the alternative methodology that should be applied to sediment, and it will work with the dredge industry and the United States Army Corps of Engineers to develop guidance for sampling and analysis.

The term "site undergoing remediation activities" has been added to provide consistency between the Act 2 program and the waste program. The term "site" is already a defined term in § 287.1; therefore, "site undergoing remediation activities," has been added to be consistent with the use of the term "site" in Act 2.

#### *Section 287.2. Scope.*

In subsection (c), historic fill has been added to the list of wastes that are subject to the residual waste regulations, regardless of where the waste is generated. By adding historic fill to the list, materials generated in a residential or commercial setting may be managed in accordance with a PBR in § 287.102.

#### *Section 287.11. Safe fill numeric standards.*

This section establishes the numeric standards that shall be met for material to qualify as safe fill. In addition, this section includes a requirement that must be met if sampling and analysis are performed to demonstrate compliance with the standards.

In subsection (a), except for safe fill containing copper and zinc, material shall meet the lower of the following: the residential generic value of the soil-to-groundwater pathway numeric value, calculated in accordance with § 250.308 (relating to soil-to-groundwater pathway numeric values), or the lowest residential direct contact numeric values calculated in accordance with §§ 250.306 and 250.307 (relating to ingestion numeric values and inhalation numeric values).

For safe fill containing copper and zinc, material shall meet the concentrations identified in § 271.914(b)(3) (relating to pollutant limits) that take plant toxicity into consideration. If the material being tested is dredged material or sediment that is from tidal streams, the material shall also meet a chloride limit of 250 mg/l to protect the groundwater. This can be achieved by draining the dredged material to increase the solids content and reduce salinity.

In addition to the totals concentrations, a person shall demonstrate that dredged material will not leach either above standards that apply to unlined landfills by using the Toxicity Characteristic Leaching Procedure or above the medium-specific concentration for groundwater in used aquifers under Chapter 250 using the Synthetic Precipitation Leaching Procedure.

Subsection (b) specifies sampling and analysis procedures for determining whether safe fill meets the safe fill numeric standards. The sampling shall be random and representative of the pile of material or area of excavation. Subsection (b) provides two options for sampling: a composite and grab sampling protocol in subsection (b)(1), or a discrete sampling protocol in subsection (b)(2). Samples obtained through the discrete sampling protocol in subsection (b)(2) will be analyzed individually. To reduce the cost of sample analysis, a person may use the composite sampling protocol in subsection (b)(1) for compounds other than volatile organic compounds (VOCs). The composite sampling protocol requires that four samples be composited into one sample for analysis. For analysis of VOCs, sample compositing is not acceptable due to the potential loss of VOCs during the mixing process. Instead, a biased sampling protocol may be used to select sampling locations for the required number of grab samples. This procedure requires field screening of discrete samples first to identify the locations that are most likely to contain the highest concentrations of VOCs. Grab samples are then taken from the same sampling locations for VOC analysis. The number of samples required is based on the volume of material proposed for use as safe fill. For volumes of soil less than or equal to 125 cubic yards, eight discrete samples or two composite samples (eight samples composited into two) are required for analysis of regulated substances other than VOCs and two grab samples are required for analysis of VOCs. For volumes of soil more than 125 cubic yards but less than or equal to 3,000 cubic yards, 12 discrete samples or three composite samples are required for analysis of regulated substances other than VOCs and three grab samples are required for analysis of VOCs. For each additional 3,000 cubic yards of safe fill or part thereof over the initial 3,000 cubic yards, 12 additional discrete samples or three additional composite samples are required for analysis of regulated substances other than VOCs, and three additional grab samples are required for analysis of VOCs.

Subsections (c) and (d) describe the statistical tests that will be used to determine whether safe fill meets the safe fill numeric standards. For a composite sample, subsection (c) specifies that a safe fill numeric standard is met if

the result of analysis is equal to or less than one-half the safe fill numeric standard for a regulated substance. This insures that the 2X criterion under the 75%/2X rule used for the discrete sampling protocol is validated in the composite sampling protocol.

For grab samples taken for VOCs analysis, subsection (c) requires that the analytical result for a regulated substance be less than or equal to safe fill numeric criteria for that regulated substance.

For discrete samples, subsection (d) prescribes a 75%/2X rule. This rule requires that 75% of the samples shall be equal to or less than the safe fill numeric standard with none of the samples exceeding more than twice the safe fill numeric standard for a regulated substance.

The sampling protocol in the proposed regulations is applicable for sampling of excavated materials in piles. The Board is seeking suggestions on alternative sampling methods for materials in place prior to excavation.

*Section 287.101. General requirements for permits.*

This section has been modified to remove the references to "clean fill" in subsection (b)(3). This provision is no longer necessary based on the changes to this regulatory proposal that address "safe fill." Materials that qualify as safe fill, when used as fill, are no longer considered waste and a permit is not required for placement. Therefore, a permit exemption for this activity is not necessary. In addition, the references to land clearing wastes have been deleted because under § 287.2 (relating to scope), land clearing wastes are managed in accordance with Article VIII (relating to municipal waste). The use of land clearing wastes does not require a permit if waste management is performed in accordance with best management practices.

*Section 287.102. Permit-by-rule.*

Several new PBRs have been added to this section to allow material that does not meet safe fill standards to be beneficially used in accordance with permit conditions included in the regulations. Materials that do not meet the safe fill standards are managed as waste.

Subsection (j) has been added to provide a permit for the beneficial use of contaminated soil, from known areas of contamination, to bring an area to grade, as construction material, for control of fire and subsidence events or in reclamation of active or abandoned mines. The purpose of this permit is to allow soils impacted by authorized agricultural practices resulting in lead, arsenic and pesticide contamination to be beneficially used. Under this permit, the contamination levels may not exceed nonresidential soil-to-pathway numeric values developed for used aquifers under Chapter 250 and listed in Table 4 of Appendix A of Chapter 287. Any direct contact pathways shall be promptly and permanently eliminated.

Subsection (k) has been added to provide a permit for the beneficial use of contaminated soil, dredged material or used asphalt to bring an area to grade, as construction material, for control of fire and subsidence events or in reclamation of active or abandoned mines. Under this permit, the contamination levels may not exceed the lowest residential direct contact numeric values developed for used aquifers under Chapter 250 and listed in Tables 5 and 6 of Appendix A of Chapter 287. In addition, a leach test shall demonstrate that groundwater will be protected.

Subsection (l) has been added to provide a permit for the beneficial use of historic fill as construction material.

Under this permit, the contamination levels may not exceed either residential soil-to-groundwater pathway numeric values for used aquifers, as long as direct contact pathways are eliminated, or the lowest residential direct contact numeric value for used aquifers (if higher), as long as a leach test demonstrates that groundwater will be protected.

Subsection (m) has been added to facilitate the placement of contaminated soil generated offsite and placed at a site undergoing remediation. This permit allows the beneficial use of contaminated soil to bring an area to grade, to limit infiltration of rainfall and to facilitate runoff. Under this permit, soil contamination levels may not exceed the SHS for used aquifers, based on the residential or nonresidential standard identified for attainment in an Act 2 notice of intent to remediate. Types of contaminated soil that may be accepted at a remediation site shall match the contamination found at the receiving site. For contaminated soil placed at a site undergoing remediation activities, relief from liability under Act 2 may include the material brought to the receiving site undergoing remediation activities and shall be included in the final report.

Under subsections (j)—(m), several standard conditions have been developed for these PBRs. The permits include conditions on the following: 1) site restrictions; 2) prohibitions on the placement of material in waters of this Commonwealth; 3) implementation of erosion and sedimentation control plan requirements; 4) prohibitions on the use of hazardous waste; 5) obligations to provide written notice to the Department of the person beneficially using the material, the amount of material used at a site and the locations of use; and 6) obligations to maintain records of any analytical evaluations. Under each permit, waste that is placed in accordance with this permit will cease to be waste as long as the material remains in place.

In each permit under subsections (j)—(l), material may only be placed on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, material shall be used in an area where the background is equal to or greater than the concentration of contamination in the material being brought to the site, and the property must be used for commercial or industrial purposes only.

*(Department Note:* The tables in Annex A are based on numbers that were in effect before the publication of amendments to Chapter 250 at 31 Pa.B. 6895 (November 24, 2001). On final rulemaking, all tables in Appendix A will be updated to be consistent with changes made to Chapter 250.)

#### F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

##### *Benefits*

The proposed amendments replace the current clean fill policy. Under the current policy, soil and other materials are required to meet a stricter numeric standard for regulated substances (contaminants) if they are used as clean fill. These regulations should help the onsite and offsite movement of excavated material for use as fill or as construction material. Currently, a significant portion of these excavated materials is being disposed in landfills. The term “clean fill” in the proposal is replaced with the term “safe fill” as it better describes uncontaminated materials the Department continues to exclude from the definition of waste. The exclusion of safe fill, when used

as fill, from the “waste” definition will facilitate the reuse of these materials without applying the waste management requirements.

The proposed amendments will facilitate the movement of soil and other materials for construction activities even if the materials exceed the numeric thresholds. For example, moving soil within right-of-way projects, moving soil offsite from residential properties or within a property, placing dredged material on adjacent lands as beach nourishment and moving soil from fruit orchards where pesticides were used may be conducted free from regulation even if the material exceeds safe fill numeric limits, but are capped at nonresidential soil standards. These exceptions should benefit utility companies, specific dredging projects and development of lands where fruit orchards once stood.

The proposed amendments provide three options to determine if the material is “uncontaminated.” The options require site knowledge and history to determine if sampling and analysis of excavated material is necessary. One of the three options requires no sampling and analysis whereas the other two options require either detailed sampling and analysis or reduced sampling and analysis. The monetary and timesaving benefits of this multiple options approach will help many of the construction projects in this Commonwealth. In addition, the proposed regulations provide two options for sampling: composite sampling or discrete sampling. To reduce the cost of sampling, a person may use the composite sampling protocol for regulated substances other than VOCs.

There are no permit applications, permit fees or bonding requirements associated with the five new PBRs proposed. The PBRs will encourage the beneficial use of contaminated soil, contaminated used asphalt, contaminated dredged material, historic fill, contaminated and segregated brick, block and concrete and the placement of contaminated soil at a site undergoing remediation activities. Currently the contaminated materials are disposed in permitted landfills.

The current cost of disposal in a permitted landfill is estimated at \$50/ton or cubic yard<sup>2</sup>. The proposed amendments will result in huge savings to the regulated community by avoiding disposal costs. Under the proposed safe fill regulations, the savings from disposal cost are estimated at \$500 million if it is assumed that approximately 50% or more of the estimated 20 million cubic yards of soil and other materials generated annually in this Commonwealth will qualify for use as safe fill or used under one or more of the five permits-by-rule.

##### *Compliance Costs*

The proposed amendments will increase the cost of sampling and analysis to meet numeric standards. The number of samples required is based on the volumes of excavated material. Under current management practices, sampling is left to the discretion of the person managing the excavated materials. The proposed amendments include sampling and analysis procedures to be applied when a person decides to evaluate the excavated material. Under this proposal, a person has the option of using discrete or composite samples when analyzing material. By choosing composite samples, the cost of sampling and analysis will be a less expensive option. The current estimated sampling and analysis cost for a sample is estimated at \$1,000. The proposed sampling will require 48 discrete samples or 12 composite samples for 10,000 cubic yards of excavated material. Based on the analysis

<sup>2</sup>One ton of soil is equivalent to 1 cubic yard.

option selected, cost of analysis will be \$12,000 for composite samples or \$48,000 for discrete samples. It should be recognized, however, that the person managing safe fill has three options to determine the extent of sampling and analysis necessary for characterizing the material. This should actually lower the cost of offsite movement and use of excavated material as safe fill.

The net cost to the regulated community as a result of the proposed increase in sampling/analysis requirements is expected to be approximately \$8.8 million the first year and in subsequent years. The cost estimate is based on the estimate of 20 million cubic yards of soil excavated annually in this Commonwealth. It is assumed that 20% may qualify under the safe fill exclusions, and another 40% may not require sampling and analysis as a result of the three options provided for determining if sampling and analysis is necessary. It is assumed that the remaining 40% of the excavated material may require sampling and analysis and incur the cost, estimated in this paragraph as \$8.8 million. This is offset by the projected savings of \$500 million realized by avoiding landfill disposal.

It is projected that there will be no increase in costs or savings to local governments associated with these proposed amendments.

#### *Compliance Assistance Plan*

The Department will assist the regulated community by developing a series of fact sheets explaining changes to the definitions of waste and related terms. In addition, the Department will continue to work with the Pennsylvania Chamber of Business and Industry and other industry groups to develop workshops to explain how to apply the new regulations.

#### *Paperwork Requirements*

For PBR activity, no application process is required. A permittee shall only provide written notice to the Department that he is operating under a specific PBR. In addition, minimal recordkeeping requirements are imposed by this proposed rulemaking for persons who operate under a permit.

#### *G. Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. 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 amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed amendments to which an objection is raised. The Regulatory Review Act specifies detailed procedures for the

Department, the Governor and the General Assembly to review these objections before final publication of the final-form regulations.

#### *I. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by April 3, 2002. Interested persons may also submit a summary of their comments to the Board. The summary shall not exceed one page in length and shall also be received by April 3, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us must also be received by April 3, 2002. A subject heading of the proposal and a return name and address must be included in each transmission.

#### *J. Public Meetings and Hearings*

The Department will hold three public meetings to explain the proposed amendments and to respond to questions from participants. The meetings will be held at 7 p.m. as follows:

February 13, 2002	Four Points Sheraton—Pittsburgh North 910 Sheraton Drive Mars, PA
February 19, 2002	Department of Environmental Protection Auditorium, Rachel Carson State Office Building 400 Market Street Harrisburg, PA
February 25, 2002	Upper Merion Township Building Freedom Hall 175 West Valley Forge Road King of Prussia, PA

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 7 p.m. on the following dates:

March 6, 2002	Four Points Sheraton—Pittsburgh North 910 Sheraton Drive Mars, PA
March 11, 2002	Upper Merion Township Building Freedom Hall 175 West Valley Forge Road King of Prussia, PA
March 19, 2002	Department of Environmental Protection Auditorium, Rachel Carson State Office Building 400 Market Street Harrisburg, PA

Persons wishing to present testimony at a hearing are requested to contact Debra Failor at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the



hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

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

DAVID E. HESS,  
Chairperson

**Fiscal Note:** 7-372. (1) General Fund.

*Environmental Program Management  
(dollars in thousands)*

- (2) Implementing Year 2001-02 is \$10,000
- (3) 1st Succeeding Year 2001-03 is \$0
- 2nd Succeeding Year 2003-04 is \$0
- 3rd Succeeding Year 2004-05 is \$0
- 4th Succeeding Year 2005-06 is \$0
- 5th Succeeding Year 2006-07 is \$0

(d) Three-year history of program costs:

*Environmental Program Management  
(dollars in thousands)*

- (4) 2000-01 Program—\$41,471
- 1999-00 Program—\$40,200
- 1998-99 Program—\$33,123

(8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND  
SAFETY**

**ARTICLE VIII. MUNICIPAL WASTE**

**CHAPTER 271. MUNICIPAL WASTE  
MANAGEMENT—GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 271.1. Definitions.**

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

\* \* \* \* \*

[ **Clean fill**—Uncontaminated, nonwater-soluble, nondecomposable inert solid material used to level an area or bring the area to grade. The term does not include material placed into or on waters of this Commonwealth. ]

\* \* \* \* \*

**Construction/demolition waste**—Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to [ , wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. ]:

- (i) Wood.
- (ii) Plaster.

- (iii) Metals.
- (iv) Asphaltic substances.
- (v) Bricks, block and concrete.

[ The term does not include the following if they are separate from other waste and are used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, brick and block, concrete and used asphalt.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material. ]

\* \* \* \* \*

**Historic fill**—

(i) Historically contaminated material (excluding landfills, waste piles and impoundments) used to bring an area to grade prior to 1988 that is a conglomeration of soil and residuals, such as ashes from the residential burning of wood and coal, incinerator ash, coal ash, slag, dredged material and construction and demolition waste.

(ii) The term does not include historically contaminated material in quantities of less than or equal to 125 cubic yards per excavation location if the following conditions are met:

(A) There is no indication that the material has been subject to a release of regulated substances.

(B) There is no visible staining, odor or other sensory nuisance associated with the material.

\* \* \* \* \*

**Safe fill**—Safe fill as defined in § 287.1 (relating to definitions).

\* \* \* \* \*

**§ 271.2. Scope.**

\* \* \* \* \*

(c) Management of the following types of waste is subject to Article IX instead of this article, and shall be regulated as if the waste is residual waste, regardless of whether the waste is municipal waste or residual waste:

\* \* \* \* \*

**(7) Historic fill.**

\* \* \* \* \*

**Subchapter B. GENERAL REQUIREMENTS FOR  
PERMITS AND PERMIT APPLICATIONS  
REQUIREMENT**

**§ 271.101. Permit requirement.**

\* \* \* \* \*

(b) A person or municipality is not required to obtain a permit:

\* \* \* \* \*

[ (3) For the use as clean fill of the following materials if they are separate from other waste:

(i) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.

(ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

(4) ] (3) \* \* \*

[ (5) ] (4) \* \* \*

\* \* \* \* \*

§ 271.103. Permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements.

\* \* \* \* \*

(g) Mechanical processing facility. A facility for the processing of [ uncontaminated ] rock, stone, gravel, brick, block and concrete from construction/demolition activities, individually or in combination, by mechanical or manual sizing or by mechanical or manual separation for prompt reuse shall be deemed to have a municipal waste processing permit-by-rule if it meets the requirements of subsections (a)—(c), the rock, stone, gravel, brick, block and concrete are separate from other waste and contaminants and the operator submits a written notice to the Department that includes the name, address and telephone number of the facility, the individual responsible for operating the facility and a brief description of the waste and the facility. The facility [ shall be onsite or process less than 50 tons or 45 metric tons per day, and ] may not operate in violation of any State, county or municipal waste management plan. If the facility is offsite and processes more than 50 tons or 45 metric tons per day, the following additional requirements shall be met:

(1) The facility may not receive more than 350 tons or 315 metric tons per day.

(2) The facility shall and maintain a 300-foot isolation distance from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet.

(3) The facility shall process the incoming waste within 30 days.

(4) Processed waste shall be removed from the facility within 60 days of processing for reuse.

(5) The operator shall maintain records that indicate compliance with the waste processing and removal limits identified in paragraphs (3) and (4).

(6) Residue from the operation shall be removed and disposed within 1 week of being generated. For purposes of this paragraph, the term "residue" includes material that is unable to be processed and processed material that is unusable.

\* \* \* \* \*

(i) Brick, block or concrete. The placement of segregated brick, block or concrete resulting from construction or demolition activities at industrial properties or placement of contaminated and segregated brick, block or concrete resulting from construction or demolition activities at commercial or residential properties shall be deemed to have a municipal waste permit when used to bring an area to grade, as construction material or in reclamation of an active or abandoned mine or abandoned quarry, if in addition to subsections (a)—(c), the following conditions are met:

(1) The waste material does not exceed the lower of the following:

(i) The residential generic value of the soil-to-groundwater pathway numeric value calculated in

accordance with the methodology in § 250.308 (a)(2)(i), (3), (4)(i) and (5) (relating to soil to groundwater pathway numeric values). The numeric standards to be met are listed in Appendix A, Tables 5 and 6.

(ii) The lowest residential direct contact numeric values calculated in accordance with the methodologies in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values). The numeric standards to be met are listed in Appendix A, Tables 5 and 6.

(2) When calculating numeric standards under paragraph (1), the following additional requirements apply:

(i) Formulae identified in § 250.305(b) (relating to MSCs in soil) shall apply as limits to the physical capacity of the soil to contain a substance.

(ii) When calculating the residential soil-to-groundwater pathway numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(3) To determine whether waste material meets the standards in paragraphs (1) and (2), the waste material shall be sampled and analyzed in accordance with § 287.11(b) and (c) or (d) (relating to safe fill numeric standards).

(4) Waste material may not be placed into or along surface waters of this Commonwealth unless prior Department approval has been obtained associated with active or abandoned mine or abandoned quarry reclamation activities or under Chapter 105 (relating to dam safety and waterway management), and the following conditions are met:

(i) Waste material placed into or along surface waters as approved by the Department under Chapter 105 may not exceed 10% of the numeric standards calculated in paragraphs (1) and (2), and placement of the waste may not cause an exceedance of the water quality standards in Chapters 16 and 93 (relating to water quality toxics management strategy—statement of policy; and water quality standards).

(ii) Waste material placed into or along waters as part of an active or abandoned mine or abandoned quarry reclamation may not cause an exceedance of the water quality standards in Chapters 16 and 93 and, based on an approved sampling and analysis plan, shall meet the following:

(A) The waste material received shall meet 10% of the numeric standards calculated in paragraphs (1) and (2).

(B) For metals only, in lieu of clause (A), the material may not produce a leachate in excess of the residential medium-specific concentration for groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter, when subject to the Synthetic Precipitation Leaching Procedure (SPLP) (Method 1312 of SW-846, Test Methods for Evaluating Solid Waste, promulgated by the EPA). The numeric standards to be met for metals by SPLP are listed in Appendix A, Table 6. The SPLP may only be used

when groundwater monitoring is being conducted at the location where waste is placed.

(5) The waste material may only be placed under this permit on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, waste material shall be reused in an area where the background is equal to or greater than the concentration of contamination in waste material being brought to the site and the property shall be used for commercial or industrial purposes only.

(6) At locations where waste material is placed, an erosion and sedimentation control plan is implemented that is consistent with the applicable requirements of Chapter 102 (relating to erosion and sediment control).

(7) At locations where waste material is placed, the materials may not be placed within 100 feet of surface waters of this Commonwealth except as provided in paragraph (4).

(8) At locations where waste material is placed, the materials may not be placed within 100 feet of the edge of a sinkhole.

(9) At locations where waste material is placed, the materials may not be placed within 300 feet of a water source unless the owner has provided a written waiver consenting to the placement of the material closer than 300 feet.

(10) Waste material that is hazardous waste under Chapter 261a (relating to identification and listing of hazardous waste) may not be used under this permit.

(11) Waste material when placed may not contain free liquids, based on visual inspection, and may not create an odor or other public nuisance.

(12) A person who receives and uses waste material shall submit a written notice to the Department that includes the following:

(i) The name, address and phone number of the person receiving and using the waste material.

(ii) The quantity of waste material used at the receiving location.

(iii) The locations where waste material was removed for use and locations where the waste material is placed for use.

(iv) An identification of whether the area from which the waste material is removed is the subject of a corrective action or remediation activity.

(v) A description of engineering practices and construction activities used to assure that site excavation and placement of waste material does not cause onsite or offsite contamination.

(13) Records of analytical evaluations conducted on the waste material shall be maintained by the person using and distributing the waste material and shall be made available to the Department for inspection. The records shall include the following:

- (i) The dates of testing.
- (ii) Each parameter tested.
- (iii) The test results.
- (iv) The laboratory where testing was conducted.

(v) The sampling procedures and analytical methodologies used.

(vi) The name of the person who collected the sample.

(14) This permit does not authorize and may not be construed as an approval to discharge waste, wastewater or runoff from the site where waste material originated, or the site where waste material is beneficially used, to the land or waters of this Commonwealth.

(15) Waste placed in accordance with this permit shall cease to be waste as long as the material remains in place.

ARTICLE IX. RESIDUAL WASTE MANAGEMENT

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. General

§ 287.1. Definitions.

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

\* \* \* \* \*

[ *Clean fill*—Uncontaminated, nonwater-soluble, inert solid material used to level an area or bring the area to grade. The term does not include materials placed in or on the waters of this Commonwealth. ]

\* \* \* \* \*

*Historic fill*—

(i) Historically contaminated material (excluding landfills, waste piles and impoundments) used to bring an area to grade prior to 1988 that is a conglomeration of soil and residuals, such as ashes from the residential burning of wood and coal, incinerator ash, coal ash, slag, dredged material and construction/demolition waste.

(ii) The term does not include historically contaminated material in quantities of less than or equal to 125 cubic yards per excavation location if the following conditions are met:

(A) There is no indication that the material has been subject to a release of regulated substances.

(B) There is no visible staining, odor or other sensory nuisance associated with the material.

\* \* \* \* \*

*Safe fill*—

(i) Material that is uncontaminated soil, including rock and stone, uncontaminated dredged material, uncontaminated used asphalt or uncontaminated and segregated brick, block or concrete resulting from construction or demolition activities from residential and commercial properties and that meets one of the following requirements:

(A) The material meets the numeric standards referenced in § 287.11 (relating to safe fill numeric standards) and listed in Appendix A, Tables 1 and 2, and meets the following requirements:

(I) Based on an appropriate level of due diligence, there is no knowledge or past activity that indicates the material has been subject to a release.

(II) There is no visible staining, odor or other sensory nuisance resulting from chemical contaminants associated with the material.

(B) Based on an appropriate level of due diligence, the historical data on the excavation site indicates that past activity had the potential to result in a release, but there is no knowledge of a release and the material meets the numeric standards referenced in § 287.11 and listed in Appendix A, Tables 1 and 3, and meets the requirements of clause (A).

(C) Based on an appropriate level of due diligence and knowledge of the site, the material meets the safe fill numeric standards without sampling and analysis and meets the requirements of clause (A).

(ii) The term includes the material in subparagraph (i) that exceed the numeric limits in Appendix A, Table 1 or either Table 2 or 3, if it meets the criteria in subparagraph (i)(A)(I) and (II) and meets one of the following requirements:

(A) The material is moved within a right-of-way.

(B) The material is moved offsite from a residential property currently developed as a residential property or zoned residential and never used for nonresidential purposes.

(C) The material is moved within a property, except for soil moved in accordance with subparagraph (iii).

(iii) The term includes soil moved from a fruit orchard under development where pesticides were used in an authorized manner in conjunction with standard horticultural practices. If the soil exceeds the numeric limits in Appendix A, Table 1 or either Table 2 or 3, and meets one of the following requirements, it is considered "safe fill":

(A) The soil is used for commercial or industrial purposes.

(B) The soil is blended with other soil to meet the limits in Appendix A, Table 1 and either Tables 2 or 3, and used for residential purposes.

(iv) The term includes dredged material placed directly on land adjacent to the dredging operation for beach nourishment or as a soil additive or soil substitute. If dredged material exceeds the numeric limits in Appendix A, Table 1 and either Table 2 or 3, it shall meet the criteria in subparagraph (i)(A)(I) and (II) and meet one of the following conditions, it is considered "safe fill":

(A) The dredged material is placed on land at a location used for commercial or industrial purposes.

(B) The dredged material is blended with other soil or other dredged material to meet the numeric limits in Appendix A, Tables 1 and 2, and used for residential purposes.

(v) The term includes historic fill in quantities of less than or equal to 125 cubic yards per excavation location if the conditions of subparagraph (i)(A)(I) and (II) are met.

(vi) The term does not include material placed into or along surface waters of this Commonwealth unless prior Department approval has been obtained associated with active or abandoned mine or

abandoned quarry reclamation activities or under Chapter 105 (relating to dam safety and waterway management), and the material meets the following conditions:

(A) Material placed into or along surface waters as approved by the Department under Chapter 105 and does not exceed 10% of the numeric standards calculated in § 287.11(a)(1) and (2), and placement of the material does not cause an exceedance of the water quality standards in Chapters 16 and 93 (relating to water quality toxics management strategy—statement of policy; and water quality standards).

(B) Material placed into or along waters as part of an active or abandoned mine or abandoned quarry reclamation does not cause an exceedance of the water quality standards in Chapters 16 and 93 and, based on an approved sampling and analysis plan, meets the following:

(I) The material received meets 10% of the numeric standards calculated in § 287.11(a)(1) and (2).

(II) For metals only, in lieu of subclause (I), the material does not produce a leachate in excess of the residential medium-specific concentration for groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter, when subject to the Synthetic Precipitation Leaching Procedure (SPLP) (*Method 1312 of SW-846, Test Methods for Evaluating Solid Waste*, promulgated by the EPA). The numeric standards to be met for metals by SPLP are listed in Appendix A, Table 1. The SPLP may only be used when groundwater monitoring is being conducted at the location where waste is placed.

(vii) The person using the material has the burden of proof to demonstrate that the material is safe fill.

(viii) If, based on a determination made under subparagraph (i), the material exceeds the numeric standards under subparagraphs (ii), (iii) or (iv), the exceedance may be no greater than the lower of the nonresidential direct contact numeric value (using §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values)) or nonresidential soil-to-groundwater pathway numeric value (using § 250.308(a)(2)(i), (3), (4)(i) and (5) (relating to soil to groundwater pathway numeric values)) established for aquifers used or currently planned for use containing less than 2,500 mg/l total dissolved solids. Formulae identified in § 250.305(b) (relating to MSCs in soil) apply as a limit to the physical capacity of the soil to contain a substance.

(ix) Materials that meet the requirements under this term are not regulated as waste when used as fill.

\* \* \* \* \*

*Sediment*—Materials deposited or overlain by water in rivers, lakes, ponds or tidal streams that consist of heterogeneous mixtures of sand, silt, clay, gravel and organic material deposited through erosion or by lake or river currents.

\* \* \* \* \*

*Site undergoing remediation activities*—The extent of contamination originating within the prop-

erty boundaries and all areas in close proximity to the contamination necessary for the implementation of remediation activities to be conducted under the Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. §§ 6026.101—6026.909).

\* \* \* \* \*

§ 287.2. Scope.

\* \* \* \* \*

(c) Management of the following types of waste is subject to this article instead of Article VIII (relating to municipal waste), and shall be regulated as if the waste is residual waste, regardless of whether the waste is municipal waste or residual waste:

\* \* \* \* \*

(7) Historic fill.

\* \* \* \* \*

§ 287.11. Safe fill numeric standards.

(a) When conducting sampling and analysis, safe fill numeric standards listed in Appendix A, Tables 1, 2 and 3 shall be calculated as follows:

(1) For safe fill containing substances other than copper and zinc, the lower of the following:

(i) The residential generic value of the soil-to-groundwater pathway numeric value calculated in accordance with the methodology in § 250.308 (a)(2)(i), (3), (4)(i) and (5) (relating to soil-to-groundwater pathway numeric values).

(ii) The lowest residential direct contact numeric values calculated in accordance with the methodologies in §§ 250.306 and 250.307 (relating to ingestion numeric values; and relating to inhalation numeric values).

(2) In addition to paragraph (1), for safe fill containing copper and zinc, numeric limits which take plant toxicity into consideration and that do not exceed concentrations in § 271.914(b)(3) (relating to pollutant limits).

(3) When calculating numeric standards under paragraph (1), the following additional requirements apply:

(i) Formulae identified in § 250.305(b) (relating to MSCs in soil) shall apply as limits to the physical capacity of the safe fill to contain a substance.

(ii) When calculating the residential soil-to-groundwater pathway numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(4) Dredged material shall be drained prior to placement on land as safe fill. In addition, dredged material shall meet the requirements of subparagraphs (i) and (iii) or the requirements of subparagraphs (ii) and (iii).

(i) A Toxicity Characteristic Leaching Procedure (TCLP) that demonstrates that the dredged material meets the requirements in § 288.623(a) (relating to minimum requirements for acceptable waste).

(ii) The dredged material may not produce a leachate in excess of the residential medium-

specific concentration for groundwater, in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter, when subject to the Synthetic Precipitation Leaching Procedure (SPLP) (*Method 1312 of SW-846, Test Methods for Evaluating Solid Waste*, promulgated by the EPA). The numeric standards to be met by SPLP are listed in Appendix A, Tables 1 and 2.

(iii) Dredged material and sediments from tidal streams shall meet the numeric criteria for chlorides as listed in Appendix A, Table 1.

(b) To determine whether material meets the safe fill numeric standards, one of the sampling and analysis procedures identified in paragraph (1) or (2) shall apply:

(1) Sampling based on composite sampling procedures shall include the following:

(i) For volumes of material equal to or less than 125 cubic yards, a total of eight samples shall be collected and analyzed as follows:

(A) For analysis of all substances other than volatile organic compounds (VOCs), the samples shall be analyzed in two composites of four samples each, in accordance with the most current version of the USEPA Manual, SW-846 (*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods. Office of Solid Waste and Emergency Response*).

(B) Two samples shall be selected from the 8 samples for analysis of VOCs. The samples shall be based on field screening of the eight samples to select those samples that are most likely to contain the highest concentrations of VOCs.

(C) Two grab samples shall be taken from the same areas in the material from which the two samples used for field screening of VOCs were taken, in accordance with Method 5035 from the most current version of the USEPA Manual, SW-846 (*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods. Office of Solid Waste and Emergency Response*).

(ii) For volumes of material greater than 125 cubic yards and less than or equal to 3,000 cubic yards, a total of 12 samples shall be collected and analyzed as follows:

(A) For analysis of all substances other than VOCs, the samples shall be analyzed in three composites of four samples each.

(B) Three samples shall be selected from the 12 samples for analysis of VOCs. The samples shall be based on field screening of the 12 samples to select those samples that are most likely to contain the highest concentrations of VOCs.

(C) Three grab samples shall be taken from the same areas in the material from which the three samples used for field screening of VOCs were taken, in accordance with EPA, Method 5035, referenced in subparagraph (i)(C).

(iii) For each additional 3,000 cubic yards of material or part thereof over the initial 3,000 cubic yards, 12 additional samples shall be collected and analyzed as follows:

(A) For analysis of all substances other than VOCs, the samples shall be analyzed in three composites of four samples each.

(B) Three samples for analysis of VOCs shall be selected from the 12 samples for analysis of VOCs. The samples shall be based on field screening of the 12 samples to select those samples that are most likely to contain the highest concentrations of VOCs.

(C) Three grab samples shall be taken from the same areas in material from which the three samples used for field screening of VOCs were taken, in accordance with EPA Method 5035, referenced in subparagraph (i)(C).

(2) Sampling based on discrete sampling procedures shall include the following:

(i) For analysis of substances, sampling shall be random and representative of the safe fill being sampled.

(ii) Sampling shall be in accordance with the most current version of the EPA RCRA Manual, SW-846 (*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods. Office of Solid Waste and Emergency Response*).

(iii) For volumes of material equal to or less than 125 cubic yards, a minimum of eight samples shall be collected and analyzed. For volumes of material greater than 125 cubic yards and less than or equal to 3,000 cubic yards, a minimum of 12 samples shall be collected and analyzed. For each additional 3,000 cubic yards of material or part thereof over the initial 3,000 cubic yards, a minimum of 12 additional samples shall be collected and analyzed.

(iv) For VOCs analysis, grab sampling procedures shall be the procedures described in paragraph (1), for the equivalent volumes of material sampled.

(c) The analysis of composite samples required in subsection (b)(1) shall meet the following:

(1) For a composite sample, the measured numeric value for a substance is equal to or less than half the safe fill numeric standard in § 287.11 (relating to numeric standards) for that substance and as listed in Appendix A, Tables 1, 2 and 3.

(2) For a grab sample, taken in accordance with subsection (b)(1)(i)(C), (ii)(C) and (iii)(C), the measured numeric value for a substance is less than or equal to the safe fill numeric standard in § 287.11 for that substance and as listed in Appendix A, Tables 1, 2 and 3.

(d) For discrete samples required in subsection (b)(2), the measured numeric values for a substance in 75% of the discrete samples shall be equal to or less than the safe fill numeric standard in this section for that substance with no single sample exceeding more than twice the safe fill numeric standard for a substance.

(e) To determine whether sediments meet the safe fill numeric standards, sampling and analyses shall be conducted in accordance with guidance developed by the Department.

**Subchapter C. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS**

**§ 287.101. General requirements for permit.**

\* \* \* \* \*

(b) A person or municipality is not required to obtain a permit under this article, comply with the bonding or insurance requirements of Subchapter E (relating to bonding and insurance requirements) or comply with Subchapter B (relating to duties of generators) for one or more of the following:

\* \* \* \* \*

[ (6) The use as clean fill of the materials in subparagraphs (i) and (ii) if they are separate from other waste. The person using the material as clean fill has the burden of proof to demonstrate that the material is clean fill.

(i) The following materials, if they are uncontaminated: soil, rock, stone, gravel, brick and block, concrete and used asphalt.

(ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material. ]

\* \* \* \* \*

**§ 287.102. Permit-by-rule.**

\* \* \* \* \*

(j) *Contaminated soil resulting from agricultural practices.* The placement of soil from known areas of contamination shall be deemed to have a residual waste permit when used to bring an area to grade, as construction material, for control of fire and subsidence events or in reclamation of active or abandoned mines, if the reclamation work is approved by the Department or is performed under contract with the Department, and if in addition to subsection (a), the following conditions are met:

(1) The soil from known areas of contamination is analyzed for lead and arsenic. If the soil comes from a location where an orchard once existed, the soil may be analyzed for pesticides including aldrin, dieldrin, DDD, DDE and DDT. Contamination in soil may not exceed the nonresidential soil-to-groundwater pathway numeric values based on the following:

(i) The highest value between the nonresidential generic value and a value which is 100 times the nonresidential medium-specific concentration (MSC) for groundwater, as calculated in § 250.308 (relating to soil to groundwater pathway numeric values) and listed in Appendix A, Table 4.

(ii) When calculating the nonresidential soil-to-groundwater pathway numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(iii) Formulae identified in § 250.305(b) (relating to MSCs in soil) shall apply as limits to the physical capacity of the soil to contain a substance.

(2) To determine whether soil meets the standards in paragraph (1), the soil shall be sampled and analyzed in accordance with § 287.11(b) and either (c) or (d) (relating to safe fill numeric standards).

(3) At locations where soil from known areas of contamination is placed, direct contact pathways

are promptly and permanently eliminated by the placement of uncontaminated soil or through other engineering controls.

(4) At locations where soil from known areas of contamination is placed, an erosion and sedimentation control plan is implemented that is consistent with the applicable requirements of Chapter 102 (relating to erosion and sediment control).

(5) Soil is not placed into or on waters of this Commonwealth.

(6) At locations where soil from known areas of contamination is placed, soil may not be placed within 100 feet of surface waters of this Commonwealth.

(7) At locations where soil from known areas of contamination is placed, soil may not be placed within 100 feet of the edge of a sinkhole.

(8) At locations where soil from known areas of contamination is placed, soil may not be placed within 300 feet of a water source unless the owner has provided a written waiver consenting to the placement of the soil closer than 300 feet.

(9) At locations where soil from known areas of contamination is placed, soil shall only be used under this permit on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, soil from known areas of contamination shall be used in an area where the background is equal to or greater than the concentration of contamination in soil being brought to the site and the property shall be used for commercial or industrial purposes only.

(10) Soil from known areas of contamination that is hazardous waste under Chapter 261a (relating to identification and listing of hazardous waste) may not be used under this permit.

(11) Soil from known areas of contamination when placed may not contain free liquids, based on visual inspection, and may not create odor or other public nuisance resulting from chemical contaminants in the soil.

(12) A person who receives and uses soil from known areas of contamination shall submit a written notice to the Department that includes the following:

(i) The names, addresses and phone numbers of the persons receiving and using the soil from known areas of contamination.

(ii) The quantity of soil used from known areas of contamination at the receiving location.

(iii) The locations of the known areas of contamination where soil was removed for use and where the soil is placed for use.

(iv) An identification of whether the known areas of contamination is the subject of a corrective action or remediation activity.

(v) A description of engineering practices and construction activities used to eliminate direct contact pathways and to assure that site excavation and placement of soil does not cause onsite or offsite contamination.

(vi) If soil is used for control of fire and subsidence events or in reclamation at abandoned mines,

include a reference to the Department's separate authorization of the use in those projects.

(13) Records of analytical evaluations conducted on the soil from known areas of contamination shall be maintained by the person using and distributing the soil and shall be made available to the Department for inspection. The records shall include the following:

(i) The dates of testing.

(ii) Each parameter tested.

(iii) The test results.

(iv) The laboratory where testing was conducted.

(v) The sampling procedures and analytical methodologies used.

(vi) The name of the person who collected the sample.

(14) This permit does not authorize and may not be construed as an approval to discharge waste, wastewater or runoff from the site where contaminated soil originated, or the site where contaminated soil is beneficially used, to the land or waters of this Commonwealth.

(15) Soil from known areas of contamination placed in accordance with this permit shall cease to be waste as long as the soil remains in place.

(16) For purposes of this subsection, the term "known areas of contamination" means known areas of soil impacted by authorized agricultural practices resulting in lead, arsenic and pesticide contamination.

(1) *Contaminated soil, dredged material or used asphalt impacted by a release or contaminated soil, dredged material or used asphalt that exceeds safe fill numeric standards as a result of urbanization.* The placement of contaminated soil, dredged material or used asphalt impacted by a release or contaminated soil, dredged material or used asphalt that exceeds safe fill numeric standards as a result of urbanization shall be deemed to have a residual waste permit when used to bring an area to grade, as construction material, for control of fire and subsidence events or in reclamation of active or abandoned mines if the reclamation work is approved by the Department or is performed under contract with the Department and, if in addition to subsection (a), the following conditions are met:

(1) The contaminated soil, dredged material or used asphalt impacted by a release or contaminated soil, dredged material or used asphalt that exceeds safe fill numeric standards may not exceed the lowest residential direct contact numeric values calculated in accordance with the methodologies in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values). The numeric standards are listed in Appendix A, Tables 5 and 6.

(i) When calculating the residential direct contact numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(ii) Formulae identified in § 250.305(b) shall apply as limits to the physical capacity of the soil to contain a substance.

(2) Contamination in soil, dredged material or used asphalt may not exceed groundwater protection standards based on either of the following:

(i) A Toxicity Characteristic Leaching Procedure (TCLP) that demonstrates that the contaminated soil, dredged material or used asphalt meets the requirements in § 288.623(a) (relating to minimum requirements for acceptable waste).

(ii) Contaminated soil, dredged material or used asphalt do not produce a leachate in excess of the residential MSC for groundwater, in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter, when subject to the Synthetic Precipitation Leaching Procedure (SPLP) (*Method 1312 of SW-846, Test Methods for Evaluating Solid Waste*, promulgated by the EPA). The numeric standards are listed in Appendix A, Tables 5 and 6.

(3) To determine whether contaminated soil, dredged material or used asphalt meets the standards in paragraph (1), the soil, dredged material or used asphalt shall be sampled and analyzed in accordance with § 287.11(b) and either (c) or (d).

(4) At locations where contaminated soil, dredged material or used asphalt is placed, an erosion and sedimentation control plan is implemented that is consistent with the applicable requirements of Chapter 102.

(5) Contaminated soil, dredged material or used asphalt is not placed into or on waters of this Commonwealth.

(6) At locations where contaminated soil, dredged material or used asphalt is placed, soil, dredged material or used asphalt may not be placed within 100 feet of surface waters of this Commonwealth.

(7) At locations where contaminated soil, dredged material or used asphalt is placed, the soil, dredged material or used asphalt may not be placed within 100 feet of the edge of a sinkhole.

(8) At locations where contaminated soil, dredged material or used asphalt is placed, the soil, dredged material or used asphalt may not be placed within 300 feet of a water source unless the owner has provided a written waiver consenting to the placement of the contaminated soil, dredged material or used asphalt closer than 300 feet.

(9) At locations where contaminated soil, dredged material or used asphalt is placed, the soil, dredged material or used asphalt shall only be used under this permit on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, contaminated soil, dredged material or used asphalt shall be reused in an area where the background is equal to or greater than the concentration of contamination in the soil, dredged material or used asphalt being brought to the site, and the property shall be used for commercial or industrial purposes only.

(10) Contaminated soil, dredged material or used asphalt that is hazardous waste under Chapter 261a may not be used under this permit.

(11) Contaminated soil, dredged material or used asphalt when placed may not contain free liquids, based on visual inspection, and may not create odor or other public nuisance resulting from chemical contaminants in the soil, dredged material or used asphalt.

(12) A person who receives and uses contaminated soil, dredged material or used asphalt shall submit a written notice to the Department that includes the following:

(i) The names, addresses and phone numbers of the persons receiving and using the contaminated soil, dredged material or used asphalt.

(ii) The quantity of contaminated soil, dredged material or used asphalt used at the receiving location.

(iii) The locations of contaminated soil, dredged material or used asphalt where the contaminated soil, dredged material or used asphalt were removed for use and where the contaminated soil, dredged material or used asphalt are placed for use.

(iv) An identification of whether the area of contamination where the contaminated soil, dredged material or used asphalt originated is the subject of a corrective action or remediation activity.

(v) A description of engineering practices and construction activities used to assure that site excavation and placement of contaminated soil, dredged material or used asphalt does not cause onsite or offsite contamination.

(vi) If contaminated soil, dredged material or used asphalt is used for control of fire and subsidence events or in reclamation at abandoned mines, include a reference to the Department's separate authorization of the use in those projects.

(13) Records of analytical evaluations conducted on the contaminated soil, dredged material or used asphalt shall be maintained by the person using and distributing the soil, dredged material or used asphalt and shall be made available to the Department for inspection. The records shall include the following:

(i) The dates of testing.

(ii) Each parameter tested.

(iii) The test results.

(iv) The laboratory where testing was conducted.

(v) The sampling procedures and analytical methodologies used.

(vi) The name of the person who collected the sample.

(14) This permit does not authorize and may not be construed as an approval to discharge waste, wastewater or runoff from the site where contaminated soil, dredged material or used asphalt originated or the site where contaminated soil, dredged material or used asphalt is beneficially used, to the land or waters of this Commonwealth.

(15) Contaminated soil, dredged material or used asphalt placed in accordance with this permit shall cease to be waste as long as the contaminated soil, dredged material or used asphalt remains in place.



(16) Contaminated soil may not be used at a site undergoing a remediation or corrective action that will cause the receiving site to exceed the remediation standard selected.

(17) Placement of contaminated soil at a site undergoing a remediation or corrective action shall meet the requirements of subsection (m).

(l) *Historic fill.* The placement of historic fill shall be deemed to have a residual waste permit when used as construction material if, in addition to subsection (a), the following conditions are met:

(1) The historic fill shall be analyzed and shall meet one of the following:

(i) Historic fill may not exceed the residential soil-to-groundwater pathway numeric values based on the following parameters:

(A) The highest value between the residential generic value and a value which is 100 times the residential MSC for groundwater, as calculated in § 250.308. The numeric standards are listed in Appendix A, Tables 5 and 6.

(B) When calculating the residential soil-to-groundwater pathway numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(C) Formulae identified in § 250.305(b) apply as limits to the physical capacity of the soil to contain a substance.

(ii) Historic fill may not exceed the lowest residential direct contact numeric values calculated in accordance with the methodologies in §§ 250.306 and 250.307, if the requirements in clause (A) or (B) are met for groundwater protection and the requirements of clauses (C) and (D) are met when calculating the numeric value.

(A) A TCLP that demonstrates that the historic fill meets the requirements in § 288.623(a).

(B) The historic fill does not produce a leachate in excess of the residential MSC for groundwater, in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter, when subject to the Synthetic Precipitation Leaching Procedure (SPLP) (*Method 1312 of SW-846, Test Methods for Evaluating Solid Waste*, promulgated by the EPA). The numeric standards are listed in Appendix A, Tables 5 and 6.

(C) When calculating the residential direct contact numeric value, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(D) Formulae identified in § 250.305(b) shall apply as limits to the physical capacity of the soil to contain a substance.

(2) To determine whether historic fill meets the standards in paragraph (1), the historic fill shall be sampled and analyzed in accordance with § 287.11(b) and either (c) or (d).

(3) At locations where historic fill is placed and the numeric value under paragraph (1)(i) for a regulated substance does not provide protection from direct contact exposure, direct contact pathways are promptly and permanently eliminated by the placement of uncontaminated soil and uncontaminated dredged material or through other engineering controls.

(4) At locations where historic fill is placed, an erosion and sedimentation control plan is implemented that is consistent with the applicable requirements of Chapter 102.

(5) Historic fill is not placed into or on waters of this Commonwealth.

(6) At locations where historic fill is placed, material may not be placed within 100 feet of surface waters of this Commonwealth.

(7) At locations where historic fill is placed, material may not be placed within 100 feet of the edge of a sinkhole.

(8) At locations where historic fill is placed, material may not be placed within 300 feet of a water source unless the owner has provided a written waiver consenting to the placement of the material closer than 300 feet.

(9) At locations where historic fill is placed, material shall only be used under this permit on properties that are zoned and exclusively used for commercial and industrial uses. For unzoned properties, historic fill shall be reused in an area where the background is equal to or greater than the concentration of contamination in historic fill being brought to the site and the property shall be used for commercial or industrial purposes only.

(10) Historic fill that is hazardous waste under Chapter 261a may not be used under this permit.

(11) Historic fill when placed may not contain free liquids, based on visual inspection, and may not create odor or other public nuisance associated with the historic fill.

(12) A person that receives and uses historic fill shall submit a written notice to the Department that includes the following:

(i) The names, addresses and phone numbers of the persons receiving and using the historic fill.

(ii) The quantity of historic fill used at the receiving location.

(iii) The locations of historic fill where material was removed for use and where the historic fill is placed for use.

(iv) An identification of whether the location where the historic fill originated is the subject of a corrective action or remediation activity.

(v) A description of engineering practices and construction activities used to eliminate direct contact pathways and to assure that site excavation and placement of historic fill does not cause onsite or offsite contamination.

(13) Records of analytical evaluations conducted on the historic fill shall be maintained by the person using and distributing the soil and shall be made available to the Department for inspection. The records shall include the following:

- (i) The dates of testing.
- (ii) Each parameter tested.
- (iii) The test results.
- (iv) The laboratory where testing was conducted.
- (v) The sampling procedures and analytical methodologies used.
- (vi) The name of the person who collected the sample.

(14) This permit does not authorize and may not be construed as an approval to discharge waste, wastewater or runoff from the site where historic fill originated or the site where historic fill is beneficially used, to the land or waters of this Commonwealth.

(15) Historic fill placed in accordance with this permit shall cease to be waste as long as the material remains in place.

(m) *Contaminated soil placed at a receiving site undergoing remediation activities.* Contaminated soil generated offsite and placed at a site undergoing remediation activities under Chapter 250 (relating to administration of land recycling program) and the Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. §§ 6026.101—6026.909) shall be deemed to have a residual waste permit when used to bring an area to grade, to limit infiltration of rainfall and to facilitate runoff if, in addition to subsection (a), the following conditions are met:

(1) The notice of intent to remediate the soils at the receiving site undergoing remediation activities (required by section 303(h) of Act 2 (35 P. S. § 6026.303(h)) identifies the Statewide health standards as the remediation standards that shall be attained. The addition of contaminated soil at the site undergoing remediation activities shall meet the Statewide health standards as follows:

(i) Prior to the placement at a residential site undergoing remediation activities, the contaminated soil brought to the residential site undergoing remediation activities shall meet the residential Statewide health standards in accordance with §§ 250.306—250.308 and as listed in Chapter 250, Appendix A, Tables 3A, 3B, 4A and 4B.

(ii) Prior to the placement at a nonresidential site undergoing remediation activities, the contaminated soil brought to the nonresidential site undergoing remediation activities shall meet the nonresidential Statewide health standards in accordance with §§ 250.306—250.308 and as listed in Chapter 250, Appendix A, Tables 3A, 3B, 4A and 4B.

(iii) When calculating the direct contact numeric value or the soil-to-groundwater pathway numeric value for the Statewide health standards, the calculation shall be based on groundwater in aquifers used or currently planned for use with naturally occurring background total dissolved solids concentrations less than or equal to 2,500 milligrams per liter.

(iv) Formulae identified in § 250.305(b) shall apply as limits to the physical capacity of the soil to contain a substance.

(2) The quantity, quality and destination of the contaminated soil shall be identified in the final

report (under section 303(h) of Act 2) submitted for the receiving site undergoing remediation activities.

(3) Placement of the contaminated soil may not cause the receiving site undergoing remediation activities to exceed the Statewide health standard selected and identified in the notice of intent to remediate.

(4) Contaminated soil containing a contaminant other than those identified in the notice of intent to remediate or subsequently identified during site characterization submitted for the receiving site undergoing remediation activities may not be placed at the receiving site undergoing remediation activities.

(5) For contaminated soil placed at a site undergoing remediation activities prior to the approval of the final report, relief from liability may include the material brought to the receiving site undergoing remediation activities and the material shall be included in the final report.

(6) At a site undergoing remediation activities where contaminated soil is placed, an erosion and sedimentation control plan is implemented that is consistent with the applicable requirements of Chapter 102.

(7) At a site undergoing remediation activities where contaminated soil is placed, soil may not be placed into or on waters of this Commonwealth.

(8) At a site undergoing remediation activities where contaminated soil is placed, soil may not be placed within 100 feet of surface waters of this Commonwealth.

(9) At a site undergoing remediation activities where contaminated soil is placed, soil may not be placed within 100 feet of the edge of a sinkhole.

(10) At a site undergoing remediation activities where contaminated soil is placed, soil may not be placed within 300 feet of a water source unless the owner has provided a written waiver consenting to the placement of the soil closer than 300 feet.

(11) At a site undergoing remediation activities where contaminated soil is placed, soil may not be placed in a 100-year flood plain of waters of this Commonwealth.

(12) To determine whether contaminated soil placed at a site undergoing remediation activities meets the standards in paragraph (1), the contaminated soil shall be sampled and analyzed in accordance with § 287.11(b) and either (c) or (d).

(13) Contaminated soil placed at a site undergoing remediation activities may not contain free liquids left in the soil, based on visual inspection, and the soil may not create odor or other public nuisance resulting from chemical contaminants in the soil.

(14) Upon completion of areas where contaminated soil is placed, the areas shall be promptly vegetated to minimize and control erosion or capped to minimize infiltration.

(15) This permit does not authorize and may not be construed as an approval to discharge waste, wastewater or runoff from the site where contaminated soil originated or the site undergoing

remediation activities where contaminated soil is beneficially used, to the land or waters of this Commonwealth.

(16) A person who receives and uses contaminated soil at a site undergoing remediation activities shall submit a written notice to the Department. The notice shall include the following:

(i) The names, addresses and phone numbers of the persons receiving and using the contaminated soil.

(ii) The quantity of contaminated soil from a site used at the receiving site undergoing remediation activities.

(iii) The locations of areas where contaminated soil is generated and locations of areas where the contaminated soil will be placed.

(iv) Copies of recorded deed notices that identify where on a receiving property contaminated soil is placed if nonresidential Statewide health standards are used at the sites undergoing remediation activities as the remediation standards.

(v) An identification of whether the location where the contaminated soil originated is the subject of a corrective action or remediation activity.

(vi) A description of engineering practices and construction activities used to assure that excava-

tion and placement of contaminated soil at the site undergoing remediation activities does not cause onsite or offsite contamination.

(17) Contaminated soils that are hazardous waste under Chapter 261a may not be used under this permit.

(18) Records of analytical evaluations conducted on the contaminated soil shall be maintained by the person using and distributing the soil and shall be made available to the Department for inspection. The records shall include the following:

(i) The dates of testing.

(ii) Each parameter tested.

(iii) The test results.

(iv) The laboratory where testing was conducted.

(v) The sampling procedures and analytical methodologies used.

(vi) The name of the person who collected the sample.

(19) Contaminated soil placed in accordance with this permit shall cease to be waste as long as the contaminated soil remains in place at the site undergoing remediation activities.

## APPENDIX A

Table 1. Safe Fill Numeric Standards For Metals

<i>Regulated Substance</i>	<i>Residential Direct Contact RDC mg/kg</i>	<i>Residential Generic Value RGV mg/kg</i>	<i>Safe Fill (Lower of RDC to RGV) mg/kg<sup>1</sup>      mg/L<sup>4</sup></i>	
ANTIMONY	88	27	27	0.006
ARSENIC	12	150	12	0.05
BARIUM AND COMPOUNDS	15000	8200	8200	2
BERYLLIUM	440	320	320	0.004
BORON AND COMPOUNDS	20000	6.7	6.7	0.6
CADMIUM	110	38	38	0.005
CHLORIDES <sup>2</sup>	na	na		250
CHROMIUM III	190,000	190,000	190,000	0.1
CHROMIUM VI	660	190	190	0.1
COBALT	13000	24	24	2.2
COPPER	8100	36000	4300 <sup>3</sup>	1
LEAD	500	450	450	0.005
MANGANESE	31000	na	31000	—
MERCURY	19	10	10	0.002
NICKEL	4400	650	650	0.1
SELENIUM	1100	26	26	0.05
SILVER	1100	84	84	0.1
THALLIUM	15	14	14	0.002
TIN	130000	240	240	22
VANADIUM	1500	26000	1500	0.26
ZINC	66000	12000	7500 <sup>3</sup>	2.0

<sup>1</sup> Lower of the residential direct contact and residential generic value from the Statewide health standards promulgated under 25 Pa. Code Chapter 250.

<sup>2</sup> Chloride analysis required of dredged material and sediments only.

<sup>3</sup> Due to the phytotoxicity of copper and zinc, safe fill numerical standards are based on the 40 CFR Part 503 regulations.

<sup>4</sup> SPLP for metals only if placement into or along waterways as part of an active or abandoned mine or abandoned quarry reclamation and where groundwater monitoring is being conducted.

na—not applicable

**APPENDIX A**

**TABLE 2. Safe Fill Numeric Standards for Organic Rgulated Substances**

<i>Compound/Contaminant</i>	<i>CASRN</i>	<i>SHS<sup>1</sup> (residential used aquifer, TDS &lt;2500mg/L)</i>				<i>Safe<sup>3</sup> Fill</i>		<i>Is Safe Fill Number Based on Generic Value?</i>
		<i>Residential Direct Contact</i>		<i>Soil to Groundwater Pathway Numeric Value</i>		<i>Lower of RDC or RGV mg/kg</i>	<i>GWMSC by SPLP<sup>4</sup> mg/L</i>	
		<i>Soil MSC<sup>2</sup> mg/kg</i>		<i>Residential Generic Value mg/kg</i>				
ACENAPHTHENE	83-32-9	13000.00	G	2700	E	2700	2.2	1
ACENAPHTHYLENE	208-96-8	13000.00	G	2500	E	2500	2.2	1
ACEPHATE	30560-19-1	880.00	G	0.84	E	0.84	0.076	1
ACETALDEHYDE	75-07-0	140.00	N	0.23	E	0.23	0.019	1
ACETONE	67-64-1	10000.00	C	41	E	41	3.7	1
ACETONITRILE	75-05-8	1100.00	C	19	E	19	0.17	1
ACETOPHENONE	98-86-2	10000.00	C	200	E	200	3.7	1
ACETYLAMINOFLUORENE, 2- (2AAF)	53-96-3	4.70	G	0.069	E	0.069	0.00017	1
ACROLEIN	10-702-8	0.38	N	0.00062	E	0.00062	0.000055	1
ACRYLAMIDE	79-06-1	4.00	G	0.00057	E	0.00057	0.000033	1
ACRYLIC ACID	79-10-7	19.00	N	0.051	E	0.051	0.0028	1
ACRYLONITRILE	107-13-1	4.70	N	0.0088	E	0.0088	0.00063	1
ALACHLOR	15972-60-8	220.00	G	0.077	E	0.077	0.002	1
ALDICARB	116-06-3	220.00	G	0.120	E	0.12	0.007	1
ALDRIN	309-00-2	1.10	G	0.100	E	0.10	0.0000087	1
ALLYL ALCOHOL	107-18-6	330.00	N	0.580	E	0.58	0.049	1
AMINOBIIPHENYL, 4-	92-67-1	0.85	G	0.00120	E	0.0012	0.000031	1
AMITROLE	61-82-5	19.00	G	0.0280	E	0.028	0.0007	1
AMMONIA	7664-41-7	1900.00	N	330	E	330	30	1
AMMONIUM SULPHAMATE	7773-06-0	44000.00	G	22	E	22	2	1
ANILINE	62-53-3	19.00	N	0.160	E	0.16	0.0028	1
ANTHRACENE*	120-12-7	66000.00	G	350	E	350	0.066	1
ATRAZINE	1912-24-9	81.00	G	0.130	E	0.13	0.003	1
BAYGON (PROPRXUR)	114-26-1	880.00	G	0.033	E	0.033	0.003	1
BENOMYL	17804-35-2	11000.00	G	20.000	E	20.00	1.8	1
BENTAZON	25057-89-0	6600.00	G	12.000	E	12.00	1.1	1
BENZENE*	71-43-2	41.00	N	0.130	E	0.13	0.005	1
BENZIDINE	92-87-5	0.08	G	0.000032	E	0.000032	0.0000029	1
BENZO[A]ANTHRACENE*	56-55-3	25.00	G	80	E	25.00	0.0009	0
BENZO[A]PYRENE*	50-32-8	2.50	G	46	E	2.50	0.0002	0
BENZO[B]FLUORANTHENE*	205-99-2	25.00	G	120	E	25.00	0.0009	0
BENZO[GHI]PERYLENE*	191-24-2	13000.00	G	180	E	180.00	0.00026	1

Compound/Contaminant	CASRN	SHS <sup>1</sup> (residential used aquifer, TDS <2500mg/L)				Safe <sup>3</sup> Fill		Is Safe Fill Number Based on Generic Value?
		Residential Direct Contact		Soil to Groundwater Pathway Numeric Value		Lower of RDC or RGV mg/kg	GWMSC by SPLP <sup>4</sup> mg/L	
		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
BENZO[K]FLUORANTHENE	207-08-9	250.00	G	600	E	250.00	0.00055	0
BENZOIC ACID	65-85-0	190000.00	C	2900	E	2900.00	150	1
BENZOTRICHLORIDE	98-07-7	1.40	G	0.00057	E	0.00057	0.000051	1
BENZYL ALCOHOL	100-51-6	10000.00	C	400	E	400.00	11	1
BENZYL CHLORIDE	100-44-7	6.40	N	0.051	E	0.051	0.00087	1
BHC, ALPHA-	319-84-6	2.80	G	0.046	E	0.046	0.0001	1
BHC, BETA-	319-85-7	9.90	G	0.22	E	0.22	0.00037	1
BHC, DELTA-	319-86-8	130.00	G	11	E	11.00	0.022	1
BHC, GAMMA (LINDANE)	58-89-9	14.00	G	0.0710	E	0.071	0.0002	1
BIPHENYL, 1,1-	92-52-4	11000.00	G	20	E	20.00	1.8	1
BIS(2-CHLOROETHYL)ETHER	111-44-4	0.96	N	0.00390	E	0.0039	0.00013	1
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	32.00	N	8	E	8.00	0.3	1
BIS(CHLOROMETHYL)ETHER	542-88-1	0.01	N	0.000010	E	0.000010	0.00000069	1
BIS[2-ETHYLHEXYL] PHTHALATE	117-81-7	1300.00	G	130	E	130.00	0.006	1
BISPHENOL A	80-05-7	11000.00	G	20	E	20.00	1.8	1
BROMOCIL	314-40-9	29000.00	G	0.89	E	0.89	0.08	1
BROMOCHLOROMETHANE	74-97-5	2900.00	G	1	E	1.00	0.09	1
BROMODICHLOROMETHANE	75-27-4	8.60	N	3.4	E	3.40	0.1	1
BROMOMETHANE	74-83-9	95.00	N	0.540	E	0.54	0.01	1
BROMOXYNIL	1689-84-5	4400.00	G	63	E	63.00	0.73	1
BROMOXYNIL OCTANOATE	1689-99-2	4400.00	G	360	E	360.00	0.08	1
BUTADIENE, 1,3-	106-99-0	5.30	G	0.0017	E	0.0017	0.00015	1
BUTYL ALCOHOL, N-	71-36-3	6600.00	N	12	E	12.00	0.97	1
BUTYLATE	2008-41-5	10000.00	C	3.9	E	3.90	0.35	1
BUTYLBENZENE, N-	104-51-8	2200.00	G	4.1	E	4.10	1.5	1
BUTYLEBENZENE, SEC-	135-98-8	2200.00	G	4.1	E	4.10	1.5	1
BUTYLEBENZENE, TERT-	98-06-6	2200.00	G	4.1	E	4.10	1.5	1
BUTYLBENZYL PHTHALATE	85-68-7	10000.00	C	10000	C	10000	2.7	0
CAPTAN	133-06-2	5100.00	G	12	E	12.00	0.19	1
CARBARYL	63-25-2	22000.00	G	42	E	42.00	0.7	1
CARBAZOLE	86-74-8	900.00	G	0.37	E	0.37	0.033	1
CARBOFURAN	1563-66-2	1100.00	G	0.870	E	0.87	0.04	1
CARBON DISULFIDE	75-15-0	10000.00	C	160	E	160.00	1.9	1

Compound/Contaminant	CASRN	SHS <sup>1</sup> (residential used aquifer, TDS <2500mg/L)				Safe <sup>3</sup> Fill		Is Safe Fill Number Based on Generic Value?
		Residential Direct Contact		Soil to Groundwater Pathway Numeric Value		Lower of RDC or RGV mg/kg	GWMSC by SPLP <sup>4</sup> mg/L	
		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
CARBON TETRACHLORIDE	56-23-5	21.00	N	0.26	E	0.26	0.005	1
CARBOXIN	5234-68-4	22000.00	G	7.8	E	7.80	0.7	1
CHLORAMBEN	133-90-4	3300.00	G	1.1	E	1.10	0.1	1
CHLORDANE	57-74-9	51.00	G	49	E	49.00	0.002	1
CHLORO-1, 1-DIFLUOROETHANE, 1-	75-68-3	190000.00	C	1600	E	1600.000	140	1
CHLORO-1-PROPENE, 3- (ALLYL CHLORIDE)	107-05-1	19.00	N	0.065	E	0.065	0.0028	1
CHLOROACETOPHENONE, 2-	532-27-4	1.90	G	0.0034	E	0.0034	0.00031	1
CHLOROANILINE, P-	106-47-8	880.00	G	19	E	19.00	0.15	1
CHLOROBENZENE	108-90-7	4400.00	G	3.4	E	3.40	0.1	1
CHLOROBENZILATE	510-15-6	66.00	G	1.6	E	1.60	0.0024	1
CHLOROBUTANE, 1-	109-69-3	10000.00	C	170	E	170.00	15	1
CHLORODIBROMOMETHANE	124-48-1	12.00	N	3.2	E	3.20	0.1	1
CHLORODIFLUOROMETHANE	75-45-6	190000.00	C	1.1	E	1.10	0.1	1
CHLOROETHYL VINYL	110-75-8	1700.00	N	3.1	E	3.10	0.23	1
CHLOROFORM	67-66-3	14.00	N	2.5	E	2.50	0.1	1
CHLORONAPHTHALENE, 2-	91-58-7	18000.00	G	6200	E	6200.00	2.9	1
CHLORODINITROBENZENE, 2-	100-00-5	990.00	G	0.41	E	0.41	0.037	1
CHLOROPHENOL, 2-	95-57-8	330.00	N	4.4	E	4.40	0.04	1
CHLOROPRENE	126-99-8	130.00	N	0.45	E	0.45	0.019	1
CHLOROPROPANE, 2-	75-29-6	1900.00	N	0.45	E	0.45	0.28	1
CHLOROTHALONIL	1897-45-6	1600.00	G	3.1	E	3.10	0.06	1
CHLOROTOLUENE, O-	95-49-8	4400.00	G	1.1	E	1.10	0.1	1
CHLORPYRIFOS	2921-88-2	660.00	G	23	E	23.00	0.02	1
CHLORSULFURON	64902-72-3	11000.00	G	20	E	20.00	1.8	1
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	2200.00	G	4.4	E	4.40	0.4	1
CHRYSENE*	218-01-9	2500.00	G	230	E	230.00	0.0019	1
CRESOL(S)	1319-77-3	330.00	N	0.85	E	0.85	0.18	1
CRESOL, M-(METHYLPHENOL, 3-)	95-48-7	10000.00	C	20	E	20.00	1.8	1
CRESOL, O-(METHYLPHENOL, 2-)	108-39-4	10000.00	C	20	E	20.00	1.8	1
CRESOL, P-(METHYLPHENOL, 4-)	106-44-5	1100.00	G	2	E	2.00	0.18	1
CRESOL, P-CHLORO-M-	59-50-7	1100.00	G	37	E	37.00	0.18	1
CROTONALDEHYDE	4170-30-3	9.40	G	0.00099	E	0.0010	0.000079	1
CROTONALDEHYDE, TRANS-	123-73-9	9.40	G	0.0039	E	0.0039	0.000079	1

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		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
CUMENE (ISOPROPYL BENZENE)*	98-82-8	7300.00	N	790	E	790.00	1.1	1
CYCLOHEXANONE	108-94-1	10000.00	C	1400	E	1400.00	49	1
CYFLUTHRIN	68359-37-5	5500.00	G	0.011	E	0.011	0.001	1
CYROMAZINE	66215-27-8	1700.00	G	3	E	3.00	0.27	1
DDD, 4,4'	72-54-8	75.00	G	6.8	E	6.80	0.00062	1
DDE, 4,4'	72-55-9	53.00	G	41	E	41.00	0.0019	1
DDT, 4,4'	50-29-3	53.00	G	110	E	53.00	0.0019	0
DI(2-ETHYLHEXYL)ADIPATE	103-23-1	10000.00	C	4.4	C	4.40	0.4	1
DIALATE	2303-16-4	18.00	N	0.15	E	0.15	0.0025	1
DIAMINOTOLUENE, 2,4-	95-80-7	5.60	G	0.0023	E	0.002	0.00021	1
DIAZINON	333-41-5	200.00	G	0.082	E	0.082	0.0006	1
DIBENZO[A,H]ANTHRACENE	53-70-3	2.50	G	41	E	2.50	0.00009	0
DIBROMO-3-CHLOROPROPANE, 1,2-	96-12-8	3.80	N	0.0091	E	0.0091	0.0002	1
DIBROMOBENZENE, 1,4-	106-37-6	2200.00	G	4.1	E	4.10	0.37	1
DIBROMOETHANE, 1,2- (ETHYLENE DIBROMIDE)	106-93-4	0.21	G	0.0012	E	0.0012	0.00005	1
DIBROMOMETHANE	74-95-3	670.00	N	3.7	E	3.70	0.097	1
DI-N-BUTYLPHTHALATE, N-	84-74-2	10000.00	C	1500	E	1500.00	3.7	1
DICHOLOR-2-BUTENE, 1,4-	764-41-0	91000.00	N	0.00018	E	0.00018	0.000016	1
DICHLOROBENZENE, 1,2-	95-50-1	3800.00	N	60	E	60.00	0.6	1
DICHLOROBENZENE, 1,3-	541-73-1	60.00	N	61	E	60.00	0.6	0
DICHLOROBENZENE, P-	106-46-7	750.00	G	10	E	10.00	0.075	1
DICHLOROBENZIDINE, 3,3'	91-94-1	40.00	G	8.4	E	8.40	0.0015	1
DICHLORODIFLUOROMETHANE (FREON 12)	75-71-8	3800.00	N	100	E	100.00	1	1
DICHLOROETHANE, 1,1-	75-34-3	200.00	N	0.65	E	0.65	0.027	1
DICHLOROETHANE, 1,2-	107-06-2	12.00	N	0.1	E	0.10	0.005	1
DICHLOROETHYLENE, 1,1-	75-35-4	6.40	N	0.19	E	0.19	0.007	1
DICHLOROETHYLENE, CIS-1,2-*	156-59-2	670.00	N	1.6	E	1.60	0.07	1
DICHLOROETHYLENE, TRANS-1,2-	156-60-5	1300.00	N	2.3	E	2.30	0.1	1
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	680.00	N	0.075	E	0.08	0.005	1
DICHLOROPHENOL, 2,4-	120-83-2	660.00	G	1	E	1.00	0.02	1
DICHLOROPHENOXYACETIC ACID, 2,4-(2,4-D)	94-75-7	2200.00	G	1.8	E	1.80	0.07	1



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DICHLOROPROPANE, 1,2-	78-87-5	18.00	N	0.11	E	0.11	0.005	1
DICHLOROPROPENE, 1,3-	542-75-6	8.60	N	0.013	E	0.013	0.0066	1
DICHLOROPROPIONIC ACID (DALAPON), 2,2-	75-99-0	2000.00	N	5.3	E	5.30	0.2	1
DICHLORVOS	62-73-7	62.00	G	0.012	E	0.0120	0.00052	1
DICYCLOPENTADIENE	77-73-6	6600.00	G	0.0061	E	0.0061	0.00055	1
DIELDRIN	60-57-1	1.10	G	0.11	E	0.11	0.000041	1
DIETHYL PHTHALATE	84-66-2	10000.00	C	160	E	160.00	5	1
DIFLUBENZIRON	35367-38-5	4400.00	G	2.2	E	2.20	0.2	1
DIMETHOATE	60-51-5	44.00	G	0.28	E	0.28	0.0073	1
DIMETHOXYBENZIDINE, 3,3-	119-90-4	1300.00	G	0.52	E	0.52	0.047	1
DIMETHYLAMINOAZOBENZENE, P-	60-11-7	3.90	G	0.037	E	0.037	0.00014	1
DIMETHYLANILINE, N,N-	121-69-7	440.00	G	0.81	E	0.81	0.073	1
DIMETHYLBENZIDINE, 3,3-	119-93-7	1.90	G	0.0008	E	0.00080	0.000072	1
DIMETHYLPHENOL, 2,4-	105-67-9	4400.00	G	31	E	31.00	0.73	1
DINITROBENZENE, 1,3-	99-65-0	22.00	G	0.049	E	0.049	0.001	1
DINITROPHENOL, 2,4-	51-28-5	440.00	G	0.21	E	0.21	0.019	1
DINITROTOLUENE, 2,4-	121-14-2	58.00	G	0.05	E	0.050	0.0021	1
DINITROTOLUENE, 2,6,- (2,6-DNT)	606-20-2	220.00	G	1.1	E	1.10	0.037	1
DINOSEB	88-85-7	220.00	G	0.29	E	0.290	0.007	1
DIOXANE, 1,4-	123-91-1	41.00	N	0.073	E	0.073	0.0056	1
DIPHENAMID	957-51-7	6600.00	G	2.2	E	2.20	0.2	1
DIPHENYLAMINE	122-39-4	5500.00	G	12	E	12.00	0.2	1
DIPHENYLHYDRAZINE, 1,2-	122-66-7	22.00	G	0.15	E	0.15	0.00083	1
DIQUAT	85-00-7	480.00	G	0.24	E	0.24	0.02	1
DISULFOTON	298-04-4	2.70	N	0.08	E	0.08	0.0003	1
DIURON	330-54-1	440.00	G	0.87	E	0.87	0.01	1
ENDOSULFAN	115-29-7	1300.00	G	0.64	E	0.64	0.058	1
ENDOSULFAN I (ALPHA)	959-98-8	1300.00	G	110	E	110.00	0.22	1
ENDOSULFAN II (BETA)	33213-65-9	1300.00	G	130	E	130.00	0.22	1
ENDOSULFAN SULFATE	1031-07-8	1300.00	G	72	E	72.00	0.12	1
ENDOTHALL	145-73-3	4400.00	G	4.2	E	4.20	0.1	1
ENDRIN	72-20-8	66.00	G	5.4	E	5.40	0.002	1
EPICHLOROHYDRIN	106-89-8	19.00	N	0.056	E	0.056	0.0028	1

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		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
ETHEPHON	16672-87-0	1100.00	G	2	E	2.00	0.18	1
ETHION	563-12-2	110.00	G	39	E	39.00	0.018	1
ETHOXYETHANOL, 2- (EGEE)	110-80-5	3800.00	C	7.8	E	7.80	0.55	1
ETHYL ACETATE	141-78-6	10000.00	C	220	E	220.00	8.7	1
ETHYL ACRYLATE	140-88-5	23.00	N	0.12	E	0.12	0.0031	1
ETHYL BENZENE*	100-41-4	10000.00	C	46	E	46.00	0.7	1
ETHYL DIPROPYL THIOCARBAMATE, S- (EPTC)	759-94-4	5500.00	G	10	E	10.00	0.91	1
ETHYL ETHER	60-29-7	10000.00	C	53	E	53.00	1.9	1
ETHYLMETHACRYLATE	97-63-2	20000.00	G	9.7	E	9.70	0.87	1
ETHYLENE GLYCOL	107-21-1	10000.00	C	85	E	85.00	14	1
ETHYLENE THIOUREA (ETU)	96-45-7	18.00	G	0.033	E	0.033	0.003	1
ETHYL P-NITROPHENYL PHENYLPHOSPHOROTHIOATE	2104-64-5	2.20	G	0.0041	E	0.0041	0.00037	1
FENAMIPHOS	22224-92-6	55.00	G	0.17	E	0.17	0.002	1
FENVALERATE (PYDRIN)	51630-58-1	5500.00	G	0.94	E	0.94	0.085	1
FLUOMETURON (FLUORNETRON IN EPA FEB 96)	2164-17-2	2900.00	G	1	E	1.00	0.09	1
FLUORANTHENE	206-44-0	8800.00	G	3300	E	3300.00	0.26	1
FLUORENE*	86-73-7	8800.00	G	380	E	380.00	1.5	1
FLUOROTROCHLOROMETHANE (FREON 11)	75-69-4	10000.00	C	90	E	90.00	2	1
FONOFOS	944-22-9	140.00	N	2.8	E	2.80	0.01	1
FORMALDEHYDE	50-00-0	24.00	N	12	E	12.00	1	1
FORMIC ACID	64-18-6	10000.00	C	210	E	210.00	19	1
FOSETYL-AL	039148-24-8	190000.00	C	1200	E	1200.00	110	1
FURAN	110-00-9	220.00	G	0.11	E	0.110	0.0097	1
FURFURAL	98-01-1	660.00	G	1.2	E	1.20	0.097	1
GLYPHOSATE	1071-83-6	22000.00	G	630	E	630.00	0.7	1
HEPTACHLOR	76-44-8	4.00	G	0.68	E	0.680	0.0004	1
HEPTACHLOR EPOXIDE	1024-57-3	2.00	G	1	E	1.00	0.0002	1
HEXACHLOROBENZENE	118-74-1	11.00	G	0.96	E	0.96	0.001	1
HEXACHLOROBUTADIENE	87-68-3	44.00	G	1.2	E	1.20	0.001	1
HEXACHLOROCYCLOPENTADIENE	77-47-4	1500.00	G	91	E	91.00	0.05	1
HEXACHLOROETHANE	67-72-1	220.00	G	0.56	E	0.560	0.001	1

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HEXANE	110-54-3	3800.00	N	510	E	510.00	0.55	1
HEXYTHIAZOX (SAVEY)	78587-05-0	5500.00	G	5.6	E	5.60	0.5	1
HYDRAZINE/HYDRAZINE SULFATE	302-01-2	0.06	N	0.000097	E	0.000097	0.000088	1
HYDROQUINONE	123-31-9	8800.00	G	17	E	17.00	1.5	1
INDENO[1,2,3-CD]PYRENE*	193-39-5	25.00	G	7000	E	25.00	0.0009	0
IPRODIONE	36734-19-7	8800.00	G	17	E	17.00	1.5	1
ISOBUTYL ALCOHOL	78-83-1	10000.00	C	76.00	E	76.00	2.9	1
ISOPHORONE	78-59-1	10000.00	C	1.9	E	1.90	0.1	1
KEPONE	143-50-0	1.10	G	0.56	E	0.56	0.000041	1
MALATHION	121-75-5	1400.00	N	67	E	67.00	0.1	1
MALEIC HYDRAZIDE	123-33-1	110000.00	G	47	E	47.00	4	1
MANEB	12427-38-2	1100.00	G	2	E	2.00	0.18	1
MERPHOS OXIDE	78-48-8	6.60	G	0.012	E	0.012	0.0011	1
METHACRYLONITRILE	126-98-7	13.00	N	0.031	E	0.031	0.0019	1
METHAMIDOPHOS	10265-92-6	11.00	G	0.02	E	0.02	0.0018	1
METHANOL	67-56-1	10000.00	C	58	E	58.00	4.9	1
METHOMYL	16752-77-5	5500.00	G	3.2	E	3.20	0.2	1
METHOXYCHLOR	72-43-5	1100.00	G	630	E	630.00	0.04	1
METHOXYETHANOL, 2-	109-86-4	220.00	G		E	220.00	0.037	1
METHYL ACETATE	79-20-9	10000.00	C	410	E	410.00	37	1
METHYL ACRYLATE	96-33-3	6600.00	G	12	E	12.00	1.1	1
METHYL CHLORIDE	74-87-3	180.00	N	0.038	E	0.038	0.003	1
METHYL ETHYL KETONE (2-BUTANONE)	78-93-3	10000.00	C	53	E	53.00	2.8	1
METHYL ISOBUTYL KETONE	108-10-1	1500.00	N	2.9	E	2.90	0.19	1
METHYL METHACRYLATE	80-62-6	10000.00	C	26	E	26.00	1.9	1
METHYL METHANESULFONATE	66-27-3	180.00	G	0.083	E	0.083	0.0067	1
METHYL PARATHION	298-00-0	17.00	N	0.42	E	0.42	0.002	1
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	1300.00	G	2.4	E	2.40	0.22	1
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	10000.00	C	0.28	E	0.28	0.02	1
METHYLENE BIS(2-CHLOROANILINE), 4,4'-	101-14-4	140.00	G	0.057	E	0.06	0.0051	1
METHYLNAPHTHALENE, 2-	91-57-6	4400.00	G	2900	E	2900.00	0.73	1
METHYLSTYRENE, ALPHA	98-83-9	15000.00	G	7.6	E	7.60	0.68	1
NAPHTHALENE*	91-20-3	4400.00	G	5	E	5.00	0.1	1

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NAPHTHYLAMINE, 1-	134-32-7	9.90	G	0.3	E	0.30	0.00037	1
NAPHTHYLAMINE, 2-	91-59-8	9.90	G	0.012	E	0.01	0.00037	1
NAPROPAMIDE	15299-99-7	22000.00	G	41	E	41.00	3.7	1
NITROANILINE, M-	99-09-2	13.00	G	0.033	E	0.033	0.0021	1
NITROANILINE, O-	88-74-4	13.00	G	0.037	E	0.037	0.0021	1
NITROANILINE, P-	100-01-6	13.00	G	0.031	E	0.031	0.0021	1
NITROBENZENE	98-95-3	110.00	G	0.79	E	0.79	0.018	1
NITROPHENOL, 2-	88-75-5	1800.00	G	5.9	E	5.90	0.29	1
NITROPHENOL, 4-	100-02-7	1800.00	G	4.2	E	4.20	0.06	1
NITROPROPANE, 2-	79-46-9	0.12	N	0.00026	E	0.000260	0.000016	1
NITROSODIETHYLAMINE, N-	55-18-5	0.01	N	0.000018	E	0.000018	0.000001	1
NITROSODIMETHYLAMINE, N-	62-75-9	0.02	N	0.000041	E	0.000041	0.0000031	1
NITROSO-DI-N-BUTYLAMINE, N-	924-16-3	3.30	G	0.0003	E	0.0003	0.000027	1
NITROSODI-N-PROPYLAMINE, N-	621-64-7	2.60	G	0.0013	E	0.0013	0.000094	1
NITROSODIPHENYLAMINE, N-	86-30-6	3700.00	G	20	E	20.00	0.13	1
NITROSO-N-ETHYLUREA, N-	759-73-9	0.13	G	0.000052	E	0.000052	0.0000047	1
OCTYL PHTHALATE, DI-N-	117-84-0	4400.00	G	10000	C	4400.00	0.73	0
OXAMYL (VYDATE)	23135-22-0	5500.00	G	2.6	E	2.60	0.2	1
PARATHION	56-38-2	1300.00	G	130	E	130.00	0.22	1
PCB-1016 (AROCLOR)	12674-11-2	15.00	G	70	E	15.00	0	0
PCB-1221 (AROCLOR)	11104-28-2	36.00	G	0.62	E	0.62	0	1
PCB-1232 (AROCLOR)	11141-16-5	36.00	G	0.52	E	0.52	0	1
PCB-1242 (AROCLOR)	53469-21-9	36.00	G	16	E	16.00	0	1
PCB-1248 (AROCLOR)	12672-29-6	9.90	G	18	E	9.90	0	0
PCB-1254 (AROCLOR)*	11097-69-1	4.40	G	75	E	4.40	0	0
PCB-1260 (AROCLOR)	11096-82-5	30.00	G	110	E	30.00	0	0
PEBULATE	1114-71-2	10000.00	C	20	E	20.00	1.8	1
PENTACHLOROBENZENE	608-93-5	180.00	G	230	E	180.00	0.029	0
PENTACHLORONITROBENZENE	82-68-8	69.00	G	5	E	5.00	0.0025	1
PENTACHLOROPHENOL	87-86-5	150.00	G	5	E	5.00	0.001	1
PHENACETIN	62-44-2	8100.00	G	12	E	12.00	0.3	1
PHENANTHRENE	85-01-8	66000.00	G	10000	E	10000.00	1.1	1
PHENOL	108-95-2	130000.00	G	66	E	66.00	4	1

Compound/Contaminant	CASRN	SHS <sup>1</sup> (residential used aquifer, TDS <2500mg/L)				Safe <sup>3</sup> Fill		Is Safe Fill Number Based on Generic Value?
		Residential Direct Contact		Soil to Groundwater Pathway Numeric Value		Lower of RDC or RGV mg/kg	GWMSC by SPLP <sup>4</sup> mg/L	
		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
PHENYLENEDIAMINE, M-	108-45-2	1300.00	G	3.1	E	3.10	0.22	1
PHENYLPHENOL, 2-	90-43-7	9200.00	G	3.8	E	3.80	0.34	1
PHORATE	298-02-2	13.00	N	0.41	E	0.41	0.0019	1
PHTHALIC ANHYDRIDE	85-44-9	190000.00	C	2300	E	2300.00	73	1
PECLORAM	1918-02-1	15000.00	G	5.6	E	5.60	0.5	1
PRONAMIDE	23950-58-5	17000.00	G	3	E	3.00	0.05	1
PROPANIL	709-98-8	1100.00	G	2	E	2.00	0.18	1
PROPHAM	122-42-9	4400.00	G	8.1	E	8.10	0.73	1
PROPYLBENZENE, N-	103-65-1	2200.00	G	4.1	E	4.10	1.5	1
PROPYLENE OXIDE	75-56-9	75.00	G	0.048	E	0.05	0.0028	1
PYRENE*	129-00-0	6600.00	G	2200	E	2200.00	0.13	1
PYRIDINE	110-86-1	67.00	N	0.11	E	0.11	0.0097	1
QUINOLINE	91-22-5	1.50	G	0.00061	E	0.00061	0.000055	1
QUIZALOFOP (ASSURE)	76578-14-8	2000.00	G	3.3	E	3.30	0.3	1
RONNEL	299-84-3	11000.00	G	20	E	20.00	1.8	1
SIMAZINE	122-34-9	150.00	G	0.16	E	0.16	0.004	1
STRYCHNINE	57-24-9	66.00	G	0.9	E	0.90	0.011	1
STYRENE	100-42-5	10000.00	C	24	E	24.00	0.1	1
TEBUTHIURON	34014-18-1	15000.00	G	5.6	E	5.60	0.5	1
TERBACIL	5902-51-2	2900.00	G	1	E	1.00	0.09	1
TERBUFOS	13071-79-9	1.70	N	0.13	E	0.13	0.0009	1
TETRACHLOROBENZENE, 1,2,4,5-	95-94-3	66.00	G	0.12	E	0.12000	0.011	1
TETRACHLORODIBENZO-P-DIOXIN, 2,3,7,8-(TCDD)	1746-01-6	0.00	G	0.032	E	0.00012	0.00000003	0
TETRACHLOROETHANE, 1,1,1,2-	630-20-6	690.00	G	0.78	E	0.78	0.07	1
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	5.50	N	0.023	E	0.023	0.0003	1
TETRACHLOROETHYLENE (PCE)	127-18-4	340.00	G	0.43	E	0.43	0.005	1
TETRACHLOROPHENOL, 2,3,4,6-	58-90-2	6600.00	G	450	E	450.00	0.29	1
TETRAETHYL LEAD	78-00-2	0.02	G	0.0046	E	0.0046	0.0000037	1
TETRAETHYLDITHIOPYROPHOSPHATE	3689-24-5	33.00	N	0.054	E	0.054	0.0049	1
THIOFANOX	39196-18-4	66.00	G	0.12	E	0.12	0.011	1
THIRAM	137-26-8	1100.00	G	47	E	47.00	0.18	1
TOLUENE*	108-88-3	7600.00	N	44	E	44.00	1	1
TOLUIDINE, M-	108-44-1	75.00	G	0.13	E	0.13	0.0028	1

Compound/Contaminant	CASRN	SHS <sup>1</sup> (residential used aquifer, TDS <2500mg/L)				Safe <sup>3</sup> Fill		Is Safe Fill Number Based on Generic Value?
		Residential Direct Contact		Soil to Groundwater Pathway Numeric Value		Lower of RDC or RGV mg/kg	GWMSC by SPLP <sup>4</sup> mg/L	
		Soil MSC <sup>2</sup> mg/kg		Residential Generic Value mg/kg				
TOLUIDINE, O-	95-53-4	75.00	G	0.32	E	0.32	0.0028	1
TOLUIDINE, P-	106-49-0	94.00	G	0.32	E	0.32	0.0035	1
TOXAPHENE	8001-35-2	16.00	G	1.2	E	1.20	0.003	1
TRIALATE	2303-17-5	2900.00	G	5.2	E	5.20	0.47	1
TRIBROMOMETHANE (BROMOFORM)	75-25-2	290.00	N	4.3	E	4.30	0.1	1
TRICHLORO- 1,2,2-TRIFLUOROETHANE, 1,1,2-	76-13-1	190000.00	C	920	E	920.00	83	1
TRICHLOROBENZENE, 1,2,4-	120-82-1	2200.00	G	28	E	28.00	0.07	1
TRICHLOROBENZENE, 1,3,5-	108-70-3	1300.00	G	31	E	31.00	0.04	1
TRICHLOROETHANE, 1,1,1-*	71-55-6	4400.00	G	7.2	E	7.20	0.2	1
TRICHLOROETHANE, 1,1,2-	79-00-5	20.00	N	0.15	E	0.15	0.005	1
TRICHLOROETHYLENE (TCE)*	79-01-6	190.00	N	0.17	E	0.17	0.005	1
TRICHLOROPHENOL, 2,4,5-	95-95-4	22000.00	G	2300	E	2300.00	3.7	1
TRICHLOROPHENOL, 2,4,6-	88-06-2	1600.00	G	17	E	17.00	0.06	1
TRICHLOROPHENOXYACETIC ACID, 2,4,5-(2,4,5-T)	93-76-5	2200.00	G	1.5	E	1.50	0.07	1
TRICHLOROPHENOXYPROPIONIC ACID, 2,4,5-(2,4,5-TP)(SILVEX)	93-72-1	1800.00	G	22	E	22.00	0.05	1
TRICHLOROPROPANE, 1,1,2-	598-77-6	1100.00	G	2	E	2.00	0.18	1
TRICHLOROPROPANE, 1,2,3-	96-18-4	0.16	N	3.3	E	0.16	0.04	0
TRICHLOROPROPENE, 1,2,3-	96-19-5	1100.00	G	2	E	2.00	0.18	1
TRIFLURALIN	1582-09-8	1700.00	G	0.056	E	0.056	0.005	1
TRIMEHTYL BENZENE, 1,3,4-(TRIMETHYL BENZENE, 1,2,4-)	95-63-6	110.00	N	0.18	E	0.18	0.016	1
TRIMETHYL BENZENE, 1,3,5-	108-67-8	110.00	N	0.18	E	0.18	0.016	1
TRINITROTOLUENE, 2,4,6-	118-96-7	110.00	G	0.022	E	0.022	0.002	1
VINYL ACETATE	108-05-4	3800.00	N	6.5	E	6.50	0.55	1
VINYL BROMIDE (BROMOMETHANE)	593-60-2	160.00	G	0.016	E	0.016	0.0014	1
VINYL CHLORIDE	75-01-4	1.30	N	0.27	E	0.27	0.002	1
WARFARIN	81-81-2	66.00	G	2.6	E	2.60	0.011	1
XYLENES (TOTAL)*	1330-20-7	8300.00	N	850	E	850.00	10	1
ZINEB	12122-67-7	11000.00	G	20	E	20.00	1.8	1

Total No. of Organic Regulated Substances with Generic Value < Direct Contact (out of a total of 319 substances) = 302

SHS - Statewide health standards

\*For screening of petroleum hydrocarbons from airborne pollution at a site, if only those contaminants are of concern.

<sup>1</sup> Residential SHS (used aquifer, TDS ≤ 2500 mg/l) developed under the land recycling program of Act 2.

<sup>2</sup> MSC—medium specific concentration

<sup>3</sup> Lower of the Residential Generic Value compared to Residential Direct Contact value of the applicable SHS

E—Number calculated by the soil to groundwater equation in Section 250.308

G = Ingestion; C = Cap; N = Inhalation

<sup>4</sup> Waste not to exceed groundwater MSC by SPLP analysis

**APPENDIX A**

**Table 3: Safe Fill Numeric Standards for Organic Regulated Substances**

<i>Regulated Compound/Contaminant</i>	<i>Lower of RDC to RGV<sup>1</sup> mg/kg</i>
ALDRIN <sup>2</sup>	0.10
ANTHRACENE	350.0
BENZENE	0.13
BENZO[A]ANTHRACENE	25.0
BENZO[A]PYRENE	2.5
BENZO[B]FLUORANTHENE	25.0
BENZO[GHI]PERYLENE	180.0
CHRYSENE	230.0
CUMENE (ISOPROPYL BENZENE)	790.0
DDD, 4,4'-2 <sup>2</sup>	0.68
DDE, 4,4'-2 <sup>2</sup>	41.0
DDT, 4,4'-2 <sup>2</sup>	53.0
DICHLOROETHYLENE, CIS-1,2-	1.6
DIELDRIN <sup>2</sup>	0.1
ETHYL BENZENE	46.0
FLUORENE	380.0
INDENO[1,2,3-CD]PYRENE	25.0
NAPHTHALENE	5.0
PCB-1254 (AROCLOR)	4.4
PHENANTHRENE	10000.0
PYRENE	2200.0
TOLUENE	44.0
TRICHLOROETHANE, 1,1,1-	7.2
TRICHLOROETHYLENE (TCE)	0.2
XYLENES (TOTAL)	850.0

<sup>1</sup> Lower of the residential direct contact compared to residential generic value of the statewide health standards of the Act 2 regulations.

<sup>2</sup> Pesticides

## APPENDIX A

**Table 4: Numeric Standards for Soil from “Known Areas of Contamination” Qualifying for PBR 287.102(j)**

REGULATED SUBSTANCES	CASRN	<i>SHS<sup>1</sup> (nonresidential, used aquifer, TDS ≤ 2500 mg/kg)</i>			<i>Permit By Rule FOR Known Area of Contamination<sup>2</sup> Section 287.102 (j) (higher of M or G)</i>
		<i>100XGWMS (M) mg/kg</i>	<i>Generic Value (G) mg/kg</i>		
ARSENIC	7440-38-2	5	150		150
LEAD	7439-92-1	0.5	450		450
ALDRIN	309-00-2	0.0037	0.44	E	0.44
DIELDRIN	60-57-1	0.016	0.44	E	0.44
DDD, 4,4'-	72-54-8	0.27	30	E	30
DDE, 4,4'-	72-55-9	0.76	170	E	170
DDT, 4,4'-	50-29-3	0.55	330	E	330

<sup>1</sup> Statewide health standards

<sup>2</sup> Contaminated soil resulting from urbanization and agricultural practices

E—Number calculated by the soil to groundwater equation in 25 Pa. Code Section 250.308



APPENDIX A

TABLE 5: Numeric Standards for Organic Regulated Substances in: Historic Fill; In Soil and Dredged Material Exceeding Safe Fill Standards; in Soil Impacted by a Release; and in Segregated BBC from C/D Waste

REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer; TDS<2500 mg/L)			Permit by Rule		Permit by Rule <sup>3</sup>			Permit by Rule	
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value		Historic Fill Section 287.102(l)		Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)	G	100XMSC (M) mg/kg	Generic Value (GV) mg/kg	mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg	
ACENAPHTHENE	83-32-9	13000	G	220	2700	E	2700	13000	2.2	G	2700
ACENAPHTHYLENE	208-96-8	13000	G	220	2500	E	2500	13000	2.2	G	2500
ACEPHATE	30560-19-1	880	G	7.6	0.9	E	7.6	880	0.076	G	0.9
ACETALDEHYDE	75-07-0	140	N	1.9	0.23	E	1.9	140	0.019	N	0.23
ACETONE	67-64-1	10000	C	370	41	E	370	10000	3.7	G	41
ACETONITRILE	75-05-8	1100	C	17	1.9	E	17	1100	0.17	N	1.9
ACETOPHENONE	98-86-2	10000	C	370	200	E	370	10000	3.7	G	200
ACETYLAMINOFLUORENE,2- (2AAF)	53-96-3	4.7	G	0.017	0.069	E	0.069	4.7	0.00017	G	0.069
ACROLEIN	10-702-8	0.38	N	0.0055	0.00062	E	0.0055	0.38	0.000055	N	0.00062
ACRYLAMIDE	79-06-1	4	G	0.0033	0.00057	E	0.0033	4	0.000033	N	0.00057
ACRYLIC ACID	79-10-7	19	N	0.28	0.051	E	0.28	19	0.0028	N	0.051
ACRYLONITRILE	107-13-1	4.7	N	0.063	0.0087	E	0.063	4.7	0.00063	N	0.0087
ALACHLOR	15972-60-8	220	G	0.2	0.077	E	0.2	220	0.002	M	0.077
ALDICARB	116-06-3	220	G	0.7	0.12	E	0.7	220	0.007	M	0.12
ALDRIN	309-00-2	1.1	G	0.00087	0.1	E	0.1	1.1	0.000087	N	0.1
ALLYL ALCOHOL	107-18-6	330	N	4.9	0.58	E	4.9	330	0.049	N	0.58
AMINOBIHENYL,4-	92-67-1	0.85	G	0.0031	0.0012	E	0.0031	0.85	0.000031	G	0.0012
AMITROLE	61-82-5	19	G	0.07	0.029	E	0.07	19	0.0007	G	0.029
AMMONIA	7664-41-7	1900	N	3000	360	E	3000	1900	30	H	360
AMMONIUM SULFAMATE	7773-06-0	44000	G	200	24	E	200	44000	2	H	24
ANILINE	62-53-3	19	N	0.28	0.16	E	0.28	19	0.0028	N	0.16
ANTHRACENE	120-12-7	66000	G	6.6	350	E	350	66000	0.066	S	350
ATRAZINE	1912-24-9	81	G	0.3	0.13	E	0.3	81	0.003	M	0.13
BAYGON (PROPOXUR)	114-26-1	880	G	0.3	0.057	E	0.3	880	0.003	H	0.057
BENOMYL	17804-35-2	11000	G	180	880	E	880	11000	1.8	G	880
BENTAZON	25057-89-0	6600	G	110	16	E	110	6600	1.1	G	16
BENZENE	71-43-2	41	N	0.5	0.13	E	0.5	41	0.005	M	0.13
BENZIDINE	92-87-5	0.078	G	0.00029	0.38	E	0.38	0.078	0.000029	G	0.078
BENZO[A]ANTHRACENE	56-55-3	25	G	0.09	79	E	79	25	0.0009	G	25
BENZO[A]PYRENE	50-32-8	2.5	G	0.02	46	E	46	2.5	0.0002	M	2.5
BENZO[B]FLUORANTHENE	205-99-2	25	G	0.09	120	E	120	25	0.0009	G	25

REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer, TDS<2500 mg/L)					Permit by Rule	Permit by Rule <sup>3</sup>			Permit by Rule
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L	Lower of RDC or RGV mg/kg	
BENZO[GHI]PERYLENE	191-24-2	13000	G	0.026	180	E	180	13000	0.00026	S	180
BENZO[K]FLUORANTHENE	207-08-9	250	G	0.055	610	E	610	250	0.00055	S	250
BENZOIC ACID	65-85-0	190000	C	15000	2900	E	15000	190000	150	G	2900
BENZOTRICHLORIDE	98-07-7	1.4	G	0.0051	0.012	E	0.012	1.4	0.000051	G	0.012
BENZYL ALCOHOL	100-51-6	10000	C	1100	400	E	1100	10000	11	G	400
BENZYL CHLORIDE	100-44-7	6.4	N	0.087	0.051	E	0.087	6.4	0.00087	N	0.051
BHC,ALPHA	319-84-6	2.8	G	0.01	0.046	E	0.046	2.8	0.0001	G	0.046
BHC,BETA-	319-85-7	9.9	G	0.037	0.22	E	0.22	9.9	0.00037	G	0.22
BHC,DELTA-	319-86-8	130	G	2.2	11	E	11	130	0.022	G	11
BHC,GAMMA (LINDANE)	58-89-9	14	G	0.02	0.072	E	0.072	14	0.0002	M	0.072
BIPHENYL, 1,1-	92-52-4	11000	G	180	790	E	790	11000	1.8	G	790
BIS(2-CHLOROETHYL)ETHER	111-44-4	0.96	N	0.013	0.0039	E	0.013	0.96	0.00013	N	0.0039
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	32	N	30	8	E	30	32	0.3	H	8
BIS(CHLOROMETHYL)ETHER	542-88-1	0.0051	N	0.000069	0.00001	E	0.000069	0.0051	0.00000069	N	0.00001
BIS[2-ETHYLHEXYL] PHTHALATE	117-81-7	1300	G	0.6	130	E	130	1300	0.006	M	130
BISPHENOL A	80-05-7	11000	G	180	700	E	700	11000	1.8	G	700
BROMACIL	314-40-9	22000	G	8	2	E	8	22000	0.08	H	2
BROMOCHLOROMETHANE	74-97-5	2200	G	9	1.6	E	9	2200	0.09	H	1.6
BROMODICHLOROMETHANE	75-27-4	8.6	N	10	3.4	E	10	8.6	0.1	M	3.4
BROMOMETHANE	74-83-9	95	N	1	0.54	E	1	95	0.01	H	0.54
BROMOXYNIL	1689-84-5	4400	G	73	63	E	73	4400	0.73	G	63
BROMOXYNIL OCTANOATE	1689-99-2	4400	G	8	360	E	360	4400	0.08	S	360
BUTADIENE,1,3-	106-99-0	5.3	G	0.015	0.0062	E	0.015	5.3	0.00015	N	0.0062
BUTYL ALCOHOL,N-	71-36-3	6600	N	97	12	E	97	6600	0.97	N	12
BUTYLATE	2008-41-5	10000	C	35	51	E	51	10000	0.35	H	51
BUTYLBENZENE,N-	104-51-8	8800	G	150	950	E	950	8800	1.5	G	950
BUTYLBENZENE,SEC-	135-98-8	8800	G	150	350	E	350	8800	1.5	G	350
BUTYLBENZENE,TERT-	98-06-6	8800	G	150	270	E	270	8800	1.5	G	270
BUTYLBENZYL PHTHALATE	85-68-7	10000	C	270	10000	C	10000	10000	2.7	S	10000
CAPTAN	133-06-2	5100	G	19	12	E	19	5100	0.19	G	12
CARBARYL	63-25-2	22000	G	70	41	E	70	22000	0.7	H	41
CARBAZOLE	86-74-8	900	G	3.3	21	E	21	900	0.033	G	21
CARBOFURAN	1563-66-2	1100	G	4	0.87	E	4	1100	0.04	M	0.87
CARBON DISULFIDE	75-15-0	10000	C	190	160	E	190	10000	1.9	N	160

REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer, TDS<2500 mg/L)					Permit by Rule	Permit by Rule <sup>3</sup>			Permit by Rule
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
CARBON TETRACHLORIDE	56-23-5	21	N	0.5	0.26	E	0.5	21	0.005	M	0.26
CARBOXIN	5234-68-4	22000	G	70	53	E	70	22000	0.7	H	53
CHLORAMBEN	133-90-4	3300	G	10	1.6	E	10	3300	0.1	H	1.6
CHLORDANE	57-74-9	51	G	0.2	49	E	49	51	0.002	M	49
CHLORO-1,1-DIFLUOROETHANE,1-	75-68-3	190000	C	14000	2300	E	14000	190000	140	N	2300
CHLORO-1-PROPENE,3- (ALLYL CHLORIDE)	107-05-1	19	N	0.28	0.065	E	0.28	19	0.0028	N	0.065
CHLOROACETOPHENONE,2-	532-27-4	1.9	G	0.031	0.0093	E	0.031	1.9	0.00031	G	0.0093
CHLOROANILINE,P-	106-47-8	880	G	15	19	E	19	880	0.15	G	19
CHLOROBENZENE	108-90-7	4400	G	10	6.1	E	10	4400	0.1	M	6.1
CHLOROBENZILATE	510-15-6	66	G	0.24	1.6	E	1.6	66	0.0024	G	1.6
CHLOROBUTANE,1-	109-69-3	10000	C	1500	2300	E	2300	10000	15	G	2300
CHLORODIBROMOMETHANE	124-48-1	12	N	10	3.2	E	10	12	0.1	M	3.2
CHLORODIFLUOROMETHANE	75-45-6	190000	C	10	2.6	E	10	190000	0.1	H	2.6
CHLOROETHANE	75-00-3	6200	G	23	5	E	23	6200	0.23	G	5
CHLOROFORM	67-66-3	14	N	10	2.5	E	10	14	0.1	M	2.5
CHLORONAPHTHALENE,2-	91-58-7	18000	G	290	6,200	E	6200	18000	2.9	G	6200
CHLORONITROBENZENE,P-	100-00-5	990	G	3.7	4.9	E	4.9	990	0.037	G	4.9
CHLOROPHENOL,2-	95-57-8	330	N	4	4.4	E	4.4	330	0.04	H	4.4
CHLOROPRENE	126-99-8	130	N	1.9	0.45	E	1.9	130	0.019	N	0.45
CHLOROPROPANE,2-	75-29-6	1900	N	28	21	E	28	1900	0.28	N	21
CHLOROTHALONIL	1897-45-6	1600	G	6	15	E	15	1600	0.06	G	15
CHLOROTOLUENE,O-	95-49-8	4400	G	10	20	E	20	4400	0.1	H	20
CHLORPYRIFOS	2921-88-2	660	G	2	23	E	23	660	0.02	H	23
CHLORSULFURON	64902-72-3	11000	G	180	25	E	180	11000	1.8	G	25
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	2200	G	40	650	E	650	2200	0.4	H	650
CHRYSENE	218-01-9	2500	G	0.19	230	E	230	2500	0.0019	S	230
CRESOL(S)	1319-77-3	330	N	18	3.1	E	18	330	0.18	N	3.1
CRESOL,0- (METHYLPHENOL,2-)	95-48-7	10000	C	180	64	E	180	10000	1.8	G	64
CRESOL,M (METHYLPHENOL,3-)	108-39-4	10000	C	180	36	E	180	10000	1.8	G	36
CRESOL,P (METHYLPHENOL,4-)	106-44-5	1100	G	18	4.2	E	18	1100	0.18	G	4.2
CRESOL,P-CHLORO-M-	59-50-7	1100	G	18	37	E	37	1100	0.18	G	37
CROTONALDEHYDE	4170-30-3	9.4	G	0.0079	0.00099	E	0.0079	9.4	0.000079	N	0.00099
CROTONALDEHYDE,TRANS-	123-73-9	9.4	G	0.035	0.0044	E	0.035	9.4	0.000079	G	0.0044
CUMENE	98-82-8	7300	N	110	780	E	780	7300	1.1	N	780

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		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)	C	100XMSC (M) mg/kg	Generic Value (GV) mg/kg	E	mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
CYCLOHEXANONE	108-94-1	10000	C	4,900	1,400	E	4900	10000	49	N	1400
CYFLUTHRIN	68359-37-5	5500	G	0.1	33	E	33	5500	0.001	S	33
CYROMAZINE	66215-27-8	1700	G	27	84	E	84	1700	0.27	G	84
DDD,4,4'	72-54-8	75	G	0.062	6.8	E	6.8	75	0.00062	N	6.8
DDE,4,4'	72-55-9	53	G	0.19	41	E	41	53	0.0019	G	41
DDT,4,4'	50-29-3	53	G	0.19	110	E	110	53	0.0019	G	53
DI(2-ETHYLHEXYL)ADIPATE	103-23-1	10000	C	40	10000	C	10000	10000	0.4	M	10000
DIALATE	2303-16-4	18	N	0.25	0.15	E	0.25	18	0.0025	N	0.15
DIAMINOTOLUENE,2,4-	95-80-7	5.6	G	0.021	0.0042	E	0.021	5.6	0.00021	G	0.0042
DIAZINON	333-41-5	200	G	0.06	0.082	E	0.082	200	0.0006	H	0.082
DIBENZO[A,H]ANTHRACENE	53-70-3	2.5	G	0.009	41	E	41	2.5	0.00009	G	2.5
DIBROMO-3-CHLOROPROPANE,1,2-	96-12-8	3.8	N	0.02	0.0092	E	0.02	3.8	0.0002	M	3.8
DIBROMOBENZENE,1,4-	106-37-6	2200	G	37	150	E	150	2200	0.37	G	150
DIBROMOETHANE,1,2- (ETHYLENE DIBROMIDE)	106-93-4	0.21	G	0.005	0.0012	E	0.005	0.21	0.00005	M	0.0012
DIBROMOMETHANE	74-95-3	670	N	9.7	3.7	E	9.7	670	0.097	N	3.7
DIBUTYL PHTHALATE,N-	84-74-2	10000	C	370	1500	E	1500	10000	3.7	G	1500
DICHLORO-2-BUTENE,1,4-	764-41-0	91000	N	0.0016	0.0009	E	0.0016	91000	0.000016	N	0.0009
DICHLOROBENZENE,1,2-	95-50-1	3800	N	60	59	E	60	3800	0.6	M	59
DICHLOROBENZENE,1,3-	541-73-1	60	N	60	61	E	61	60	0.6	H	60
DICHLOROBENZENE,P-	106-46-7	750	G	7.5	10	E	10	750	0.075	M	10
DICHLOROBENZIDINE,3,3'-	91-94-1	40	G	0.15	8.3	E	0.15	40	0.0015	G	40
DICHLORODIFLUOROMETHANE (FREON 12)	75-71-8	3800	N	100	100	E	100	3800	1	H	100
DICHLOROETHANE,1,1-	75-34-3	200	N	2.7	0.65	E	2.7	200	0.027	N	0.65
DICHLOROETHANE,1,2-	107-06-2	12	N	0.5	0.1	E	0.5	12	0.005	M	0.1
DICHLOROETHYLENE,1,1-	75-35-4	6.4	N	0.7	0.19	E	0.7	6.4	0.007	M	0.19
DICHLOROETHYLENE,CIS-1,2-	156-59-2	670	N	7	1.6	E	7	670	0.07	M	1.6
DICHLOROETHYLENE,TRANS-1,2-	156-60-5	1300	N	10	2.3	E	10	1300	0.1	M	2.3
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	680	N	0.5	0.076	E	0.5	680	0.005	M	0.076
DICHLOROPHENOL,2,4-	120-83-2	660	G	2	1	E	2	660	0.02	H	1
DICHLOROPHENOXYACETIC ACID,2,4-(2,4-D)	94-75-7	2200	G	7	1.8	E	7	2200	0.07	M	1.8
DICHLOROPROPANE,1,2-	78-87-5	18	N	0.5	0.11	E	0.5	18	0.005	M	0.11
DICHLOROPROPENE,1,3-	542-75-6	8.6	N	0.66	0.12	E	0.66	8.6	0.0066	G	0.12

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		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
DICHLOROPROPIONIC ACID (DALAPON),2,2-	75-99-0	2000	N	20	5.3	E	20	2000	0.2	M	5.3
DICHLORVOS	62-73-7	62	G	0.052	0.012	E	0.052	62	0.00052	N	0.012
DICYCLOPENTADIENE	77-73-6	6600	G	0.055	0.12	E	0.12	6600	0.00055	N	0.12
DIELDRIN	60-57-1	1.1	G	0.0041	0.11	E	0.11	1.1	0.000041	G	0.11
DIETHYL PHTHALATE	84-66-2	10000	C	500	160	E	500	10000	5	H	160
DIFLUBENZURON	35367-38-5	4400	G	20	52	E	52	4400	0.2	S	52
DIMETHOATE	60-51-5	44	G	0.73	0.28	E	0.73	44	0.0073	G	0.28
DIMETHOXYBENZIDINE,3,3-	119-90-4	1300	G	4.7	16	E	16	1300	0.047	G	16
DIMETHYLAMINOAZOBENZENE,P-	60-11-7	3.9	G	0.014	0.037	E	0.037	3.9	0.00014	G	0.037
DIMETHYLANILINE,N,N-	000121-69-7	440	G	7.3	4.1	E	7.3	440	0.073	G	4.1
DIMETHYLBENZIDINE,3,3-	000119-93-7	1.9	G	0.0072	0.4	E	0.4	1.9	0.000072	G	0.4
DIMETHYLPHENOL,2,4-	105-67-9	4400	G	73	32	E	73	4400	0.73	G	32
DINITROBENZENE,1,3-	99-65-0	22	G	0.1	0.049	E	0.1	22	0.001	H	0.049
DINITROPHENOL,2,4-	51-28-5	440	G	1.9	0.21	E	1.9	440	0.019	N	0.21
DINITROTOLUENE,2,4-	121-14-2	58	G	0.21	0.05	E	0.21	58	0.0021	G	0.05
DINITROTOLUENE,2,6- (2,6-DNT)	606-20-2	220	G	3.7	1.1	E	3.7	220	0.037	G	1.1
DINOSEB	88-85-7	220	G	0.7	0.29	E	0.7	220	0.007	M	0.29
DIOXANE,1,4-	123-91-1	41	N	0.56	0.073	E	0.56	41	0.0056	N	0.073
DIPHENAMID	957-51-7	6600	G	20	12	E	20	6600	0.2	H	12
DIPHENYLAMINE	122-39-4	5500	G	20	12	E	20	5500	0.2	H	12
DIPHENYLHYDRAZINE,1,2-	122-66-7	22	G	0.083	0.15	E	0.15	22	0.00083	G	0.15
DIQUAT	85-00-7	480	G	2	0.24	E	2	480	0.02	M	0.24
DISULFOTON	298-04-4	2.7	N	0.03	0.078	E	0.078	2.7	0.0003	H	0.078
DIURON	330-54-1	440	G	1	0.86	E	1	440	0.01	H	0.86
ENDOSULFAN	115-29-7	1300	G	5.8	30	E	30	1300	0.058	N	30
ENDOSULFAN I (ALPHA)	959-98-8	1300	G	22	110	E	110	1300	0.22	G	110
ENDOSULFAN II (BETA)	33213-65-9	1300	G	22	130	E	130	1300	0.22	G	130
ENDOSULFAN SULFATE	1031-07-8	1300	G	12	70	E	70	1300	0.12	S	70
ENDOTHALL	145-73-3	4400	G	10	4.1	E	10	4400	0.1	M	4.1
ENDRIN	72-20-8	66	G	0.2	5.5	E	5.5	66	0.002	M	5.5
EPICHLOROHYDRIN	106-89-8	19	N	0.28	0.056	E	0.28	19	0.0028	N	0.056
ETHEPHON	16672-87-0	1100	G	18	2.1	E	18	1100	0.18	G	2.1
ETHION	563-12-2	110	G	1.8	39	E	39	110	0.018	G	39
ETHOXYETHANOL,2- (EGEE)	110-80-5	3800	[C] N	55	7.8	E	55	3800	0.55	N	7.8

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		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)	C	100XMSC (M) mg/kg	Generic Value (GV) mg/kg	E	mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
ETHYL ACETATE	141-78-6	10000	C	870	220	E	870	10000	8.7	N	220
ETHYL ACRYLATE	140-88-5	23	N	0.31	0.12	E	0.31	23	0.0031	N	0.12
ETHYL BENZENE	100-41-4	10000	C	70	46	E	70	10000	0.7	M	46
ETHYL DIPROPYLTHIOCARBAMATE,S-(EPTC)	759-94-4	5500	G	91	65	E	91	5500	0.91	G	65
ETHYL ETHER	60-29-7	10000	C	190	53	E	190	10000	1.9	N	53
ETHYL METHACRYLATE	97-63-2	20000	G	87	14	E	87	20000	0.87	N	14
ETHYLENE GLYCOL	107-21-1	10000	C	1400	170	E	170	10000	14	H	170
ETHYLENE THIOUREA (ETU)	96-45-7	18	G	0.3	0.034	E	0.3	18	0.003	H	0.034
ETHYLP-NITROPHENYL PHENYLPHOSPHOROTHIOATE	2104-64-5	2.2	G	0.037	0.12	E	0.12	2.2	0.00037	G	0.12
FENAMIPHOS	22224-92-6	55	G	0.2	0.17	E	0.2	55	0.002	H	0.17
FENVALERATE (PYDRIN)	51630-58-1	5500	G	8.5	94	E	94	5500	0.085	S	94
FLUOMETURON (FLUOMETRON IN EPA FEB 96)	2164-17-2	2900	G	9	2.5	E	9	2900	0.09	H	2.5
FLUORANTHENE	206-44-0	8800	G	26	3,200	E	3200	8800	0.26	S	3200
FLUORENE	86-73-7	8800	G	150	3000	E	3000	8800	1.5	G	3000
FLUOROTRICHLOROMETHANE (FREON 11)	75-69-4	10000	C	200	87	E	200	10000	2	H	87
FONOFOS	944-22-9	140	N	1	2.9	E	2.9	140	0.01	H	2.9
FORMALDEHYDE	50-00-0	24	N	100	12	E	100	24	1	H	12
FORMIC ACID	64-18-6	10000	C	1,900	210	E	1900	10000	19	N	210
FOSETYL-AL	39148-24-8	190000	C	11000	9,700	E	11000	190000	110	G	9700
FURAN	110-00-9	220	G	0.97	0.42	E	0.97	220	0.0097	N	0.42
FURFURAL	98-01-1	660	G	11	1.4	E	11	660	0.097	N	1.4
GLYPHOSATE	1071-83-6	22000	G	70	620	E	620	22000	0.7	M	620
HEPTACHLOR	76-44-8	4	G	0.04	0.68	E	0.68	4	0.0004	M	0.68
HEPTACHLOR EPOXIDE	1024-57-3	2	G	0.02	1.1	E	1.1	2	0.0002	M	1.1
HEXACHLOROBENZENE	118-74-1	11	G	0.1	0.96	E	0.96	11	0.001	M	0.96
HEXACHLOROBUTADIENE	87-68-3	44	G	0.1	1.2	E	1.2	44	0.001	H	1.2
HEXACHLOROCYCLOPENTADIENE	77-47-4	1500	G	5	91	E	91	1500	0.05	M	91
HEXACHLOROETHANE	67-72-1	220	G	0.1	0.56	E	0.56	220	0.001	H	0.56
HEXANE	110-54-3	3800	N	55	500	E	500	3800	0.55	N	500
HEXYTHIAZOX (SAVEY)	78587-05-0	5500	G	50	820	E	820	5500	0.5	S	820
HYDRAZINE/HYDRAZINE SULFATE	302-01-2	0.064	N	0.00088	0.000098	E	0.00088	0.064	0.0000088	N	0.000098
HYDROQUINONE	123-31-9	8800	G	150	20	E	150	8800	1.5	G	20

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		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
INDENO[1,2,3-CD]PYRENE	193-39-5	25	G	0.09	7000	E	7000	25	0.0009	G	25
IPRODIONE	36734-19-7	8800	G	150	430	E	430	8800	1.5	G	430
ISOBUTYL ALCOHOL	78-83-1	10000	C	290	76	E	290	10000	2.9	N	76
ISOPHORONE	78-59-1	10000	C	10	1.9	E	10	10000	0.1	H	1.9
KEPONE	143-50-0	1.1	G	0.0041	0.56	E	0.56	1.1	0.000041	G	0.56
MALATHION	121-75-5	1400	N	10	34	E	34	1400	0.1	H	34
MALEIC HYDRAZIDE	123-33-1	110000	G	400	47	E	400	110000	4	H	47
MANEB	12427-38-2	1100	G	18	2	E	18	1100	0.18	G	2
MERPHOS OXIDE	78-48-8	6.6	G	0.11	15	E	15	6.6	0.0011	G	6.6
METHACRYLONITRILE	126-98-7	13	N	0.19	0.031	E	0.19	13	0.0019	N	0.031
METHAMIDOPHOS	10265-92-6	11	G	0.18	0.022	E	0.18	11	0.0018	G	0.022
METHANOL	67-56-1	10000	C	490	58	E	490	10000	4.9	N	58
METHOMYL	16752-77-5	5500	G	20	3.2	E	20	5500	0.2	H	3.2
METHOXYCHLOR	72-43-5	1100	G	4	630	E	630	1100	0.04	M	630
METHOXYETHANOL,2-	109-86-4	220	G	3.7	0.41	E	3.7	220	0.037	G	0.41
METHYL ACETATE	79-20-9	10000	C	3700	690	E	3700	10000	37	G	690
METHYL ACRYLATE	96-33-3	6600	G	110	27	E	110	6600	1.1	G	27
METHYL CHLORIDE	74-87-3	180	N	0.3	0.038	E	0.3	180	0.003	H	0.038
METHYL ETHYL KETONE	78-93-3	10000	C	280	54	E	280	10000	2.8	N	54
METHYL ISOBUTYL KETONE	108-10-1	1500	N	19	2.9	E	19	1500	0.19	N	2.9
METHYL METHACRYLATE	80-62-6	10000	C	190	26	E	190	10000	1.9	N	26
METHYL METHANESULFONATE	66-27-3	180	G	0.67	0.083	E	0.67	180	0.0067	G	0.083
METHYL PARATHION	298-00-0	17	N	0.2	0.42	E	0.42	17	0.002	H	0.42
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	1300	G	22	120	E	120	1300	0.22	G	120
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	10000	C	2	0.28	E	2	10000	0.02	H	0.28
METHYLENE BIS(2-CHLOROANILINE),4,4'-	101-14-4	140	G	0.51	3.9	E	3.9	140	0.0051	G	3.9
METHYLNAPHTHALENE,2-	91-57-6	4400	G	73	2,900	E	2900	4400	0.73	G	2900
METHYLSTYRENE,ALPHA	98-83-9	15000	G	68	120	E	120	15000	0.68	N	120
NAPHTHALENE	91-20-3	4400	G	10	25	E	25	4400	0.1	H	25
NAPHTHYLAMINE,1-	134-32-7	9.9	G	0.037	0.3	E	0.3	9.9	0.00037	G	0.3
NAPHTHYLAMINE,2-	91-59-8	9.9	G	0.037	0.012	E	0.037	9.9	0.00037	G	0.012
NAPROPAMIDE	15299-99-7	22000	G	370	860	E	860	22000	3.7	G	860
NITROANILINE,M-	99-09-2	13	G	0.21	0.033	E	0.21	13	0.0021	G	0.033
NITROANILINE,O-	88-74-4	13	G	0.21	0.038	E	0.21	13	0.0021	G	0.038

REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer, TDS<2500 mg/L)					Permit by Rule	Permit by Rule <sup>3</sup>			Permit by Rule
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L	Lower of RDC or RGV mg/kg	
NITROANILINE,P-	100-01-6	13	G	0.21	0.031	E	0.21	13	0.0021	G	0.031
NITROBENZENE	98-95-3	110	G	1.8	0.79	E	1.8	110	0.018	G	0.79
NITROPHENOL,2-	88-75-5	1800	G	29	5.9	E	29	1800	0.29	G	5.9
NITROPHENOL,4-	100-02-7	1800	G	6	4.1	E	6	1800	0.06	H	4.1
NITROPROPANE,2-	79-46-9	0.12	N	0.0016	0.00026	E	0.0016	0.12	0.000016	N	0.00026
NITROSODIETHYLAMINE,N-	55-18-5	0.0073	N	0.0001	0.000018	E	0.0001	0.0073	0.000001	N	0.000018
NITROSODIMETHYLAMINE,N-	62-75-9	0.023	N	0.00031	0.000041	E	0.00031	0.023	0.0000031	N	0.000041
NITROSO-DI-N-BUTYLAMINE,N-	924-16-3	3.3	G	0.0027	0.0033	E	0.0033	3.3	0.000027	N	0.0033
NITROSODI-N-PROPYLAMINE,N-	621-64-7	2.6	G	0.0094	0.0013	E	0.0094	2.6	0.000094	G	0.0013
NITROSODIPHENYLAMINE,N-	86-30-6	3700	G	13	20	E	20	3700	0.13	G	20
NITROSO-N-ETHYLUREA,N-	759-73-9	0.13	G	0.00047	0.000054	E	0.00047	0.13	0.0000047	G	0.000054
OCTYL PHTHALATE,DI-N-	117-84-0	4400	G	73	10,000	C	10000	4400	0.73	G	4400
OXAMYL (VYDATE)	23135-22-0	5500	G	20	2.6	E	20	5500	0.2	M	2.6
PARATHION	56-38-2	1300	G	22	130	E	130	1300	0.22	G	130
PCB-1016 (AROCLOR)	12674-11-2	15	G	0.05	14	E	14	15	0	P	14
PCB-1221 (AROCLOR)	11104-28-2	36	G	0.05	0.24	E	0.24	36	0	P	0.24
PCB-1232 (AROCLOR)	11141-16-5	36	G	0.05	0.19	E	0.19	36	0	P	0.19
PCB-1242 (AROCLOR)	53469-21-9	36	G	0.05	6	E	6	36	0	P	6
PCB-1248 (AROCLOR)	12672-29-6	9.9	G	0.05	24	E	24	9.9	0	P	9.9
PCB-1254 (AROCLOR)	11097-69-1	4.4	G	0.05	100	E	100	4.4	0	P	4.4
PCB-1260 (AROCLOR)	11096-82-5	30	G	0.05	230	E	230	30	0	P	30
PEBULATE	1114-71-2	10000	C	180	300	E	300	10000	1.8	G	300
PENTACHLOROBENZENE	608-93-5	180	G	2.9	230	E	230	180	0.029	G	180
PENTACHLORONITROBENZENE	82-68-8	69	G	0.25	5	E	5	69	0.0025	G	5
PENTACHLOROPHENOL	87-86-5	150	G	0.1	5	E	5	150	0.001	M	5
PHENACETIN	62-44-2	8100	G	30	12	E	30	8100	0.3	G	12
PHENANTHRENE	85-01-8	66000	G	110	10,000	E	10000	66000	1.1	S	10000
PHENOL	108-95-2	130000	G	400	66	E	400	130000	4	H	66
PHENYLENEDIAMINE,M-	108-45-2	1300	G	22	3.1	E	22	1300	0.22	G	3.1
PHENYLPHENOL,2-	90-43-7	9200	G	34	490	E	490	9200	0.34	G	490
PHORATE	298-02-2	13	N	0.19	0.41	E	0.41	13	0.0019	N	0.41
PHTHALIC ANHYDRIDE	85-44-9	190000	C	7,300	2,300	E	7300	190000	73	G	2300
PICLORAM	1918-02-1	15000	G	50	7.4	E	50	15000	0.5	M	7.4
POLYCHLORINATED BIPHENYLS(ARACLORS)(PCBS)									0.0005	M	0



REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer; TDS<2500 mg/L)					Permit by Rule	Permit by Rule <sup>3</sup>			Permit by Rule
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L		Lower of RDC or RGV mg/kg
PRONAMIDE	23950-58-5	17000	G	5	3.1	E	5	17000	0.05	H	3.1
PROPANIL	709-98-8	1100	G	18	9.2	E	18	1100	0.18	G	9.2
PROPHAM	122-42-9	4400	G	73	17	E	73	4400	0.73	G	17
PROPYLBENZENE,N-	103-65-1	2200	G	150	290	E	290	2200	1.5	G	290
PROPYLENE OXIDE	75-56-9	75	G	0.28	0.049	E	0.28	75	0.0028	G	0.049
PYRENE	129-00-0	6600	G	13	2200	E	2200	6600	0.13	S	2200
PYRIDINE	110-86-1	67	N	0.97	0.11	E	0.97	67	0.0097	N	0.11
QUINOLINE	91-22-5	1.5	G	0.0055	0.018	E	0.018	1.5	0.000055	G	0.018
QUIZALOFOP (ASSURE)	76578-14-8	2000	G	30	47	E	47	2000	0.3	S	47
RONNEL	299-84-3	11000	G	180	280	E	280	11000	1.8	G	280
SIMAZINE	122-34-9	150	G	0.4	0.15	E	0.4	150	0.004	M	0.15
STRYCHNINE	57-24-9	66	G	1.1	0.89	E	1.1	66	0.011	G	0.89
STYRENE	100-42-5	10000	C	10	24	E	24	10000	0.1	M	24
TEBUTHIURON	34014-18-1	15000	G	50	83	E	83	15000	0.5	H	83
TERBACIL	5902-51-2	2900	G	9	2.2	E	9	2900	0.09	H	2.2
TERBUFOS	13071-79-9	1.7	N	0.09	0.12	E	0.12	1.7	0.0009	H	0.12
TETRACHLOROBENZENE,1,2,4,5-	95-94-3	66	G	1.1	5.1	E	5.1	66	0.011	G	5.1
TETRACHLORODIBENZO-P-DIOXIN,2,3,7,8-(TCDD)	1746-01-6	0.00012	G	0.000003	0.032	E	0.032	0.00012	0.00000003	M	0.00012
TETRACHLOROETHANE,1,1,1,2-	630-20-6	690	G	7	18	E	18	690	0.07	H	18
TETRACHLOROETHANE,1,1,2,2-	79-34-5	5.5	N	0.03	0.0093	E	0.03	5.5	0.0003	N	0.0093
TETRACHLOROETHYLENE (PCE)	127-18-4	340	G	0.5	0.43	E	0.5	340	0.005	M	0.43
TETRACHLOROPHENOL,2,3,4,6-	58-90-2	6600	G	29	450	E	450	6600	0.29	N	450
TETRAETHYL LEAD	78-00-2	0.022	G	0.00037	0.0046	E	0.0046	0.022	0.0000037	G	0.0046
TETRAETHYLDITHIOPYROPHOSPHATE	3689-24-5	33	N	0.49	0.73	E	0.73	33	0.0049	N	0.73
THIOFANOX	39196-18-4	66	G	1.1	0.12	E	1.1	66	0.011	G	0.12
THIRAM	137-26-8	1100	G	18	47	E	47	1100	0.18	G	47
TOLUENE	108-88-3	7600	N	100	44	E	100	7600	1	M	44
TOLUIDINE,M-	108-44-1	75	G	0.28	0.13	E	0.28	75	0.0028	G	0.13
TOLUIDINE,O-	95-53-4	75	G	0.28	0.32	E	0.32	75	0.0028	G	0.32
TOLUIDINE,P-	106-49-0	94	G	0.35	0.32	E	0.35	94	0.0035	G	0.32
TOXAPHENE	8001-35-2	16	G	0.3	1.2	E	1.2	16	0.003	M	1.2
TRIALATE	2303-17-5	2900	G	47	240	E	240	2900	0.47	G	240
TRIBROMOMETHANE (BROMOFORM)	75-25-2	290	N	10	4.4	E	10	290	0.1	M	4.4
TRICHLORO-1,2,2-TRIFLUOROETHANE,1,1,2-	76-13-1	190000	C	8300	2600	E	8300	190000	83	N	2600

REGULATED SUBSTANCE	CASRN	SHS <sup>1</sup> (residential, used aquifer, TDS<2500 mg/L)					Permit by Rule	Permit by Rule <sup>3</sup>			Permit by Rule
		Direct Contact(RDC)		Soil to Groundwater Pathway Numeric Value			Historic Fill Section 287.102(l)	Soil/Dredged Material Exceeding Safe Fill or Impacted by Spill/Release:Section 287.102(k)			Segregated BBC from C/D Waste, 271.103(i)
		Soil MSC <sup>2</sup> (RDC) mg/kg (lowest)		100XMSC (M) mg/kg	Generic Value (GV) mg/kg		mg/kg Higher of M to GV	RDC <sup>4</sup> (soil) mg/kg	SPLP <sup>5</sup> mg/L	Lower of RDC or RGV mg/kg	
TRICHLOROBENZENE,1,2,4-	120-82-1	2200	G	7	27	E	27	2200	0.07	M	27
TRICHLOROBENZENE,1,3,5-	108-70-3	1300	G	4	31	E	31	1300	0.04	H	31
TRICHLOROETHANE,1,1,1-	71-55-6	4400	G	20	7.2	E	20	4400	0.2	M	7.2
TRICHLOROETHANE,1,1,2-	79-00-5	20	N	0.5	0.15	E	0.5	20	0.005	M	0.15
TRICHLOROETHYLENE (TCE)	79-01-6	190	N	0.5	0.17	E	0.5	190	0.005	M	0.17
TRICHLOROPHENOL,2,4,5-	95-95-4	22000	G	370	2,300	E	2300	22000	3.7	G	2300
TRICHLOROPHENOL,2,4,6-	88-06-2	1600	G	6	17	E	17	1600	0.06	G	17
TRICHLOROPHENOXYACETIC ACID,2,4,5-(2,4,5-T)	93-76-5	2200	G	7	1.5	E	7	2200	0.07	H	1.5
TRICHLOROPHENOXYPROPIONIC ACID,2,4,5- (2,4,5-TP) (SILVEX)	93-72-1	1800	G	5	22	E	22	1800	0.05	M	22
TRICHLOROPROPANE,1,1,2-	598-77-6	1100	G	18	3.1	E	18	1100	0.18	G	3.1
TRICHLOROPROPANE,1,2,3-	96-18-4	0.16	N	4	[3.3] 3.2	E	4	0.16	0.04	H	0.16
TRICHLOROPROPENE,1,2,3-	96-19-5	1100	G	18	11	E	18	1100	0.18	G	11
TRIFLURALIN	1582-09-8	1700	G	0.5	0.96	E	0.96	1700	0.005	H	0.96
TRIMETHYLBENZENE,1,3,4-(TRIMETHYLBENZENE,1,2,4-)	95-63-6	110	N	1.6	9	E	9	110	0.016	N	9
TRIMETHYLBENZENE,1,3,5-	108-67-8	110	N	1.6	2.8	E	2.8	110	0.016	N	2.8
TRINITROTOLUENE,2,4,6-	118-96-7	110	G	0.2	0.023	E	0.2	110	0.002	H	0.023
VINYL ACETATE	108-05-4	3800	N	55	6.5	E	55	3800	0.55	N	6.5
VINYL BROMIDE (BROMOETHENE)	593-60-2	160	G	0.14	0.068	E	0.14	160	0.0014	N	0.068
VINYL CHLORIDE	75-01-4	1.3	N	0.2	0.027	E	0.2	1.3	0.002	M	0.027
WARFARIN	81-81-2	66	G	1.1	2.6	E	2.6	66	0.011	G	2.6
XYLENES (TOTAL)	1330-20-7	8300	N	1,000	990	E	1000	8300	10	M	990
ZINEB	12122-67-7	11000	G	180	29	E	180	11000	1.8	G	29

<sup>1</sup> Statewide health standards

<sup>2</sup> Medium specific concentration as defined in Section 250.1 of Act 2 regulations

<sup>3</sup> Soil must meet both the RDC and GWMSC numeric standards under this permit by rule

<sup>4</sup> Residential direct contact numeric standards as listed in Tables 3A of Chapter 250, Appendix A, to be met in soil exceeding safe fill stds or soil impacted by spill/release

<sup>5</sup> Waste not to exceed groundwater MSC by SPLP analysis

G—Ingestion

N—Inhalation

C—Cap

E—Number calculated by the soil to groundwater equation in 25 Pa. Code Section 250.308

M—Maximum Contaminant Level

H—Lifetime Health Advisory Level

S—Aqueous solubility cap

P—For MSC in groundwater for PCBs, look under polychlorinated biphenyls (PCBS)

**APPENDIX A**

**TABLE 6. Numeric Standards for Metals in Historic Fill, Soil or Dredged Material Exceeding Safe Fill Standards; Soil Impacted by Release; and in Segregated BBC from C/D Waste**

REGULATED SUBSTANCES Metals including Chlorides	CASRN	SHS <sup>1</sup> (residential, used aquifer; TDS≤2500mg/L)										
		Direct Contact (RDC)		100XMSC	Generic Value	Historic Fill Section 287.102(l)	Permit by Rule <sup>3</sup>				Permit By Rule	
		Soil MSC <sup>2</sup>					Soil Exceeding Safe Fill or Impacted by Spill/Release: Section 287.102(k)				Segregated Brick, Block, Concrete Section 271.103(i)	
		mg/kg	C	mg/kg	mg/kg	Higher of 100xMSC or GV	RDC <sup>4</sup> mg/kg		GWMSC <sup>5</sup> mg/L	Lower of RGV or RDC mg/kg	mg/L <sup>8</sup>	
ALUMINUM	7429-90-5	190000	C	na	na	na	190000	C	0.2	SMCL	190000	0.2
ANTIMONY	7440-36-0	88	G	0.6	27	27.0	88	G	0.006	M	27	0.006
ARSENIC	7440-38-2	12	G	5	150	150.0	12	G	0.05	M	12	0.05
ASBESTOS (fibers/L)	12001295	na		na	na	na	na		7,000,000	M	na	7,000,000
BARIUM AND COMPOUNDS	7440-39-3	15000	G	200	8200	8200.0	15000	G	2	M	8200	2
BERYLLIUM	7440-41-7	440	G	0.4	320	320.0	440	G	0.004	M	320	0.004
BORON AND COMPOUNDS	7440-42-8	20000	G	60	6.7	60.0	20000	G	0.6	H	6.7	0.6
CADMIUM	7440-43-9	47	G	0.5	38	38.0	47	G	0.005	M	38	0.005
CHLORIDES <sup>7</sup>		na	na	na	na	na	na		250	SMCL	na	250
CHROMIUM III	16065-83-1	190000	C	10	190000	190000.0	190000	C	0.1	M	190000	0.1
CHROMIUM VI	18540-29-9	94	G	10	190	190.0	94	G	0.1	M	94	0.1
COBALT	7440-48-4	13000	G	220	24	220.0	13000	G	2.2	G	24	2.2
COPPER <sup>6</sup>	7440-50-8	8200	G	100	36000	4300.0	4300	G	1	M	8200	1
CYANIDE, FREE	57-12-5	4400	G	20	200	200.0	4400	G	0.2	M	200	0.2
IRON	7439-89-6	66000	G	NA	NA	NA	66000	G	0		66000	0
LEAD	7439-92-1	500	U	0.5	450	450.0	500	U	0.005	M	450	0.005
MANGANESE	7439-96-5	31000	G	NA	NA	0.0	31000	G	0		31000	0
MERCURY	7439-97-6	66	G	0.2	10	10.0	66	G	0.002	M	10	0.002
NICKEL	7440-02-0	4400	G	10	650	650.0	4400	G	0.1	H	650	0.1
SELENIUM	7782-49-2	1100	G	5	26	26.0	1100	G	0.05	M	26	0.05
SILVER	7440-22-4	1100	G	10	84	84.0	1100	G	0.1	H	84	0.1
THALLIUM	7440-28-0	15	G	0.2	14	14.0	15	G	0.002	M	14	0.002

REGULATED SUBSTANCES Metals including Chlorides	CASRN	SHS <sup>1</sup> (residential, used aquifer, TDS≤2500mg/L)										
					Permit by Rule	Permit by Rule <sup>3</sup>				Permit By Rule		
		Direct Contact (RDC)	100XMSC	Generic Value	Historic Fill Section 287.102(l)	Soil Exceeding Safe Fill or Impacted by Spill/Release: Section 287.102(k)				Segregated Brick, Block, Concrete Section 271.103(i)		
		Soil MSC <sup>2</sup>										
		mg/kg	mg/kg	mg/kg	Higher of 100xMSC or GV	RDC <sup>4</sup> mg/kg	GWMSC <sup>5</sup> mg/L	Lower of RGV or RDC mg/kg	mg/L <sup>8</sup>			
TIN	7440-31-5	130000	G	2200	240	2200.0	130000	G	22	G	240	22
VANADIUM	7440-62-2	1500	G	26	26000	26000.0	1500	G	0.26	G	1500	0.26
ZINC <sup>6</sup>	7440-66-6	66000	G	200	12000	7500.0	7500	G	2	H	12000	2

<sup>1</sup> Statewide health standards

<sup>2</sup> Medium specific concentration as defined in Section 250.1 of Act 2 regulations

<sup>3</sup> Soil must meet both the RDC and GWMSC numeric standards under this permit by rule

<sup>4</sup> Residential direct contact numeric standards as listed in Tables 3A of Chapter 250, Appendix A, to be met for soil exceeding safe fill stds. or for soil impacted by spill/release.

<sup>5</sup> Groundwater MSC - by SPLP analysis

<sup>6</sup> Due to the plant toxicity of copper and zinc, numeric values under PBRs are based on the 40 CFR Part 503 regulations

<sup>7</sup> Chlorides are required for dredged material from tidal basins only

<sup>8</sup> GWMSC by SPLP if placement into or along waterways as part of an active or abandoned mine or abandoned quarry reclamation and where groundwater monitoring is being conducted.

SMCL—Secondary Maximum Contaminant Level

G—Ingestion; N - Inhalation;

C—Cap

E—Number calculated by the soil to groundwater equation in 25 Pa. Code Section 250.308

H—Lifetime Health Advisory Level

M—Maximum Contaminant Level

# INSURANCE DEPARTMENT

[31 PA. CODE CH. 115]

## Public Adjuster Contracts and Licensing

The Insurance Department (Department) proposes to amend Chapter 115 (relating to public adjuster contracts and licensing requirements) to read as set forth in Annex A. This proposal is under the general rulemaking authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and under the specific statutory authority of sections 1—8 of the act of December 20, 1983 (P. L. 260, No. 72) (63 P. S. §§ 1601—1608) (act).

### *Purpose*

Chapter 115 was promulgated in 1980 under the authority of a prior statute. The current authorizing statute, the act, was enacted in 1983. The Department seeks to amend Chapter 115 for consistency with the current statute and to more effectively regulate the licensing and conduct of public adjusters and public adjuster solicitors.

### *Explanation of Regulatory Changes*

Section 115.1 (relating to definitions) is being amended to delete the definition of "business day." The term has been recommended for deletion from all Department regulations and is being replaced with "calendar day." In addition, the term "public adjuster" has been recommended for deletion as it is already defined in the statute. The term "execution date" has been added to clarify the date a document is signed. The terms "active officer" and "active partner" have been added to clarify which individuals must be licensed to obtain an agency license.

Section 115.2 (relating to contents of public adjuster contracts, minimum standards), as proposed, would reduce the cancellation notice currently in use, from a two-page document to a more concise, detachable form located at the bottom of the contract. Type size requirements and gender references have been deleted in the interest of uniformity with other Department regulations.

Section 115.3 (relating to additional procedures) clarifies the insured's right to cancel the contract, removes the reference to and required use of the formal name "Notice of Right to Cancel."

Sections 115.5—115.7 (relating to misrepresentation; other remedies; and penalties) are being proposed for deletion. The provisions of these sections are clearly and more effectively stated in the act and their inclusion in the regulation in no way enhances the statute.

Section 115.8 (relating to effective date and revision, filing and approval of existing contracts) is being retitled to reflect the elimination of references to prior effective dates. In addition, the appropriate address, within the Department, where applications and contracts are to be sent for the approval has been indicated.

Sections 115.11—115.22 (relating to licensing requirements) are being added to formalize the Department's policy with respect to the licensing of public adjusters and public adjuster solicitors, consistent with regulations pertaining to other types of licensees. Section 115.11—115.16 specifically relate to examinations for public adjuster and public adjuster solicitor licenses and include the standards which the Department intends to apply in contracting with an outside vendor for testing services. Sections 115.17—115.22 set forth procedures and requirements

relating to applications for new and renewal licenses for individuals, partnerships or corporations.

### *External Comments*

In drafting this updated proposal, the Department requested comments from the Insurance Federation of Pennsylvania, the Pennsylvania Public Adjuster Association and the Pennsylvania Association of Mutual Insurance Companies. The comments received in response to the Department's request were considered and, where appropriate, consolidated in the development of this proposed rulemaking.

### *Fiscal Impact*

These proposed amendments are anticipated to have no measurable impact on costs associated with the Department's licensing of public adjusters or its review of public adjuster contracts. These proposed amendments should impose no additional costs on public adjusters or insurers. These proposed amendments should have no impact on costs to political subdivisions or the general public. The general public will benefit to the extent that adoption of these proposed amendments will enhance the clarity of public adjuster contracts, which is one of the goals of the amendments.

### *Paperwork*

The proposed amendments will impose no additional paperwork requirements on the Department, public adjusters, insurers or the general public.

### *Persons Regulated*

The proposed amendments apply to all public adjusters and public adjuster solicitors licensed, or seeking licensure, to do business in this Commonwealth.

### *Contact Person*

Questions or comments regarding these proposed amendments may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 772-1969.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 23, 2002, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-146. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE**

**CHAPTER 115. PUBLIC ADJUSTER CONTRACTS AND LICENSING REQUIREMENTS**

**GENERAL**

**§ 115.1. Definitions.**

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

*Act*—The act of [ April 25, 1921 (P. L. 276, No. 136) (40 P. S. §§ 301—308) (Repealed) ] December 20, 1983 (P. L. 260, No. 72) (63 P. S. §§ 1601—1608).

*Active officer*—A person who holds a current public adjuster license and is designated by the corporation as an officer of record for the public adjuster agency license.

*Active partner*—A person who holds a current public adjuster license and is designated by the partnership as a partner of record for the public adjuster agency license.

[ *Business day*—A day other than a Saturday, Sunday or Holiday. ]

*Commission*—The Insurance Commissioner of the Commonwealth.

*Execution date*—The date that a public adjuster contract has been signed by all parties.

\* \* \* \* \*

[ *Public adjuster*—A person, partnership, association, corporation or other legal entity licensed as a public adjuster or public adjuster solicitor under the act. ]

*Resident*—A person whose business address or legal residence is located in this Commonwealth.

**§ 115.2. Contents of public adjuster contracts, minimum standards.**

(a) All public adjuster contracts shall contain, at a minimum, the following [ minimum ] information:

(1) The title of the contract to read: Public Adjuster Contract.

(2) [ Business ] The name, business name, address and [ phone ] telephone number of the public adjuster.

(3) [ Name ] The name and address of the insured.

(4) The consideration[ , ] expressed as a percentage of any payments to be received on the negotiated claim, and as a maximum dollar amount.

(5) [ Date of execution (day, month, year) ] A space provided for the execution date (month, day, year) of the contract.

(6) [ Signature ] A space provided for the signature of the insured and the public adjuster.

(7) [ The following Right to Cancel language in bold face type of a minimum size of ten points, ] A

provision setting forth the insured's right to cancel, which shall be printed in prominent type on the first page of the public adjuster contract in substantially the following form:

[ You, the insured may cancel this contract at any time prior to midnight of the third business day after the date of this contract. If you exercise your right to cancel this contract you will remain liable for reasonable and necessary emergency out-of-pocket expenses or services which were paid for or incurred by the public adjuster during the said three-day period to protect the interests of the insured. See the attached notice of right to cancel form for an explanation of this right.

(8) The following completed form, in duplicate captioned "Notice of Right to Cancel" which shall be attached to and made a part of the contract, and shall be easily detachable, shall contain in ten-point bold face type the following information in substantially the following form:

*Notice of Right to Cancel* \_\_\_\_\_  
(Enter Date of Contract)

You may cancel this contract, without penalty or obligation, within three business days from the above date. If you exercise your right to cancel this contract you will remain liable for reasonable and necessary emergency out-of-pocket expenses or services which were paid for or incurred by the public adjuster during the said three-day period to protect the interests of the insured.

If you cancel, anything of value given by you under the contract will be returned within ten business days following the receipt by the Public Adjuster of your cancellation notice, and any security interest arising out of the contract will be cancelled.

To cancel this contract, mail or deliver a signed and dated copy of this notice or any other written notice, or telegram indicating cancellation and date thereof to (name of public adjuster) at (business address of public adjuster) not later than midnight of (date)).

I hereby cancel this contract.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Insured's signature) ]

*Notice of Right to Cancel*

You, the insured, may cancel this contract at any time prior to midnight of the fourth calendar day after the execution date of this contract. If you exercise your right to cancel this contract, you will be liable for reasonable and necessary emergency out-of-pocket expenses or services which were paid for or incurred by the public adjuster to protect the interests of the insured during the period preceding cancellation.

If you cancel this contract, anything of value given by you under the contract will be returned to you within 15 calendar days following the receipt

by the public adjuster of your cancellation notice, and any security interest arising out of the contract will be cancelled.

To cancel this contract, mail, fax or deliver in person a signed and dated copy of this notice or any other written notice, indicating your intent to cancel and the date thereof to (name of public adjuster) at (business address of public adjuster) not later than midnight of (date).

I hereby cancel this contract.

(Date)

(Insured's signature)

(b) A public adjuster contract may not contain any contract term that:

(1) Allows the public adjuster's fee to be collected when money is due from an insurance company, but not paid, or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company, rather than as percentage of each check issued by an insurance company.

(2) Requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster.

(3) Imposes unreasonable late fees or collection costs on the insured.

§ 115.3. Additional procedures.

(a) Each insured shall be [ orally ]:

(1) Verbally informed by the public adjuster at the time [ he signs ] of signing the contract of [ his ] the right to cancel.

(2) Furnished with a copy of the executed public adjuster contract.

(b) Before furnishing [ copies of the "Notice of Right to Cancel" to the insured, both copies ] the approved notice to the insured setting forth the insured's right to cancel the contract, the notice shall be completed by entering the name of the public adjuster; the address of the public adjuster's place of business; the execution date of the contract; and the date, not earlier than the [ third business ] fourth calendar day following the execution date of the contract, by which the insured may give notice of cancellation.

(c) The cancellation period provided for in this chapter may not begin [ to run ] until the insured has been informed of [ his ] the insured's right to cancel and has been provided with [ copies of the "Notice of Right to Cancel" ] the approved notice setting forth the insured's right to cancel.

(d) Within [ 10 business ] 15 calendar days after the receipt of the cancellation notice, the public adjuster shall:

\* \* \* \* \*

(3) Take action necessary or appropriate to promptly terminate [ promptly ] any security interest created [ in ] under the contract.

(e) [ No ] A contract [ shall ] may not be negotiated, transferred, sold or assigned by the public adjuster to a finance company or other third party prior to midnight of the fifth [ business ] calendar day following the execution date of the contract [ was signed ].

(f) If an insured exercises [ his ] the insured's right to cancel the contract, [ he ] the insured shall [ remain ] be liable for reasonable and necessary emergency out-of-pocket expenses or services which were paid for or incurred by the public adjuster during the [ 3-day ] period preceding cancellation [ to protect the interests of the insured ].

§ 115.5. [ Misrepresentation ] (Reserved).

[ A misrepresentation of the right to cancel shall be deemed prima facie evidence of lack of competence and trustworthiness to transact business as a public adjuster and public adjuster solicitor. ]

§ 115.6. [ Other remedies ] (Reserved).

[ The provisions of this chapter may not impair other rights or remedies of insureds with respect to public adjuster contracts. ]

§ 115.7. [ Penalties ] (Reserved).

[ A violation of the provisions of this chapter will be subject to penalties set forth in section 6 of the act (40 P. S. § 306). ]

§ 115.8. [ Effective date and revision, filing and approval of existing contracts ] Filing and approval of contracts.

[ This chapter shall take effect August 15, 1980. Between May 17, 1980 and August 14, 1980 existing contracts shall be submitted to Mary Ellen Shope, Chief; Division of Agents and Brokers; Insurance Department; 14th Floor, Strawberry Square; Harrisburg, Pennsylvania 17120 for filing, revision and approval in accordance with this chapter. ] Applications for licensure and contract forms shall be submitted to the Pennsylvania Insurance Department, Bureau of Producer Services, for filing and approval by the Commissioner.

LICENSING REQUIREMENTS

§ 115.11. Examination requirement.

Applicants for public adjuster and public adjuster solicitor licenses shall be required to successfully complete an examination, except as provided for in subsections (b) and (c). Applicants seeking a license shall apply for examination directly to the testing facility.

§ 115.12. Waiver of examination for resident applicants.

A resident applicant who has voluntarily terminated or allowed to lapse a public adjuster or public adjuster solicitor license within 2 years of reapplying for licensure shall be exempt from taking the written examination provided for in subsection (a), if the applicant reapplies for the same type of license for which the applicant was previously licensed.

§ 115.13. Examination requirements for nonresident applicants.

A nonresident applicant for a license shall:

(1) Submit, along with the application, a letter or other official document from the regulatory authority of the jurisdiction where the applicant holds a license, confirming the applicant's licensure in good standing for the same type of license for which application is being made with the Department, whether qualification is under a written examination or whether licensure preceded the requirement of a written examination.

(2) Be subject to reciprocal agreements between the Department and the regulatory authority of the confirming jurisdiction.

(3) Be required to pass the appropriate examination if unable to produce documentation from the confirming regulatory authority which is satisfactory to the Department.

**§ 115.14. Qualifications for examination.**

An individual, or officer of a corporation, partner in a partnership or member of an association, who is 18 years or age or older, who can read and write in the English language and who maintains a bona fide business office or legal residence in this Commonwealth, may take a public adjuster/public adjuster solicitor examination upon payment of the applicable fee and submission of an application form.

**§ 115.15. Administration of examination.**

The Commissioner may delegate to a person or corporation, by contract, the authority for administering and scoring examinations. An eligible delegatee shall guarantee to adhere to the following standards:

(1) Examinations shall be offered at regular intervals at least 12 times each year.

(2) Testing may be conducted in locations throughout this Commonwealth and other designated locations.

(3) Test security shall be strictly maintained, and a set of security rules shall be developed by the testing facility, which shall be approved by the Commissioner.

(4) Bias or favoritism towards an applicant will not be permitted by the testing facility.

(5) The testing facility shall develop a comprehensive brochure describing, at a minimum, applicable fees, the nature of examination questions and providing sample questions. The brochure shall be distributed to an applicant at the time of registration for examination or, upon request, at any other reasonable time.

**§ 115.16. Scope of examination.**

Examinations shall be designed by the testing facility to test the adequacy of an applicant's knowledge of general principles of insurance, insurance laws of the Commonwealth and the business of adjusting losses.

**§ 115.17. General application requirements.**

Applicants for a license shall follow the procedures:

(1) An individual shall be required to take a written examination unless the requirement is waived under §§ 115.12 and 115.13 (relating to ex-

amination requirements; and waiver of examination for resident applicants).

(2) An active officer of a corporation, active partner in a partnership or member of an association shall be required to take a written examination unless the requirement is waived under §§ 115.12 and 115.13 or unless the active officer, active partner or member is a currently licensed public adjuster.

(3) Persons who have passed the examination may apply to the Department for a license. The applicant shall attach a certification from the testing facility attesting that the applicant passed the examination. The certification from the testing facility is not required if the testing facility reports test scores directly to the Department.

(4) Test scores and results shall remain valid for 1 year from the date of the examination. Applications received with test results in excess of 1 year shall be denied.

**§ 115.18. Completion of application and renewal application forms.**

Public adjusters and public adjuster solicitors shall complete application and renewal forms fully and accurately, and shall submit the required fees. Those applications and renewal forms submitted to the Department which are not complete and accurate or accompanied by required fees, will be returned for correction together with written notice of the reason for the return of the applications or renewal forms.

**§ 115.19. Application procedures for individual persons.**

(a) An individual shall complete the application for an initial license. Accompanying the application shall be:

(1) The appropriate application fee.

(2) A bond as required by statute.

(3) A receipt from the surety stating that the premium has been paid in full on the bond.

(4) A copy of the contract to be used in this Commonwealth.

(b) An applicant for a public adjuster solicitor license shall also obtain and present with the application a letter of intent from a licensed public adjuster to employ the applicant as a public adjuster solicitor.

(c) Applications shall be subscribed and sworn to before a notary public.

(d) Applications executed more than 3 months prior to the date of filing with the Department will not be accepted.

(e) Making a false statement in an application may constitute a ground for license denial or revocation.

(f) Initial licenses will be valid as of the date issued by the Department until the expiration date stated on the license, unless earlier revoked by the Commissioner.

(g) Before a license is granted, the applicant shall first answer and submit, in writing and under oath, interrogatories on forms prepared by the Department.



(h) When the Commissioner is satisfied that the applicant is worthy of a license, and that the applicant has passed the examination or qualified for a waiver, and has paid any appropriate fees, the Commissioner will issue a license stating that the licensee has been authorized by the Department to transact business as a public adjuster or public adjuster solicitor within this Commonwealth.

**§ 115.20. Denial of application.**

The applicant may be denied a license for any of the following reasons. The applicant:

(1) Has provided incorrect, misleading or incomplete answers to interrogatories on forms incidental to applying for a license.

(2) Has been denied a license or has had an existing license revoked, suspended or not renewed by the Department or a regulatory authority in another state, territory or possession of the United States, or in the District of Columbia, or the Canadian provinces.

(3) Does not possess the professional competence and trustworthiness required to engage in the business of being a public adjuster or public adjuster solicitor.

(4) Has pleaded guilty, entered a plea of nolo contendere or has been found guilty of a felony in a court of competent jurisdiction, or has pleaded guilty, entered a plea of nolo contendere, or been found guilty of criminal conduct which relates to the applicant's suitability to engage in the business of being a public adjuster or public adjuster solicitor.

(i) Examples of criminal violations which the Department may consider related to the applicant's suitability to engage in the business of being a public adjuster or public adjuster solicitor including unlawful practices as set forth in sections 6(a)(1)–(3), (5)–(7) and (12) of the act (63 P.S. § 1606(a)(1)–(3), (5)–(7) and (12)), embezzlement, obtaining money under false pretenses, conspiracy to defraud, bribery or corrupt influence, perjury or false swearing, unlicensed activity or a criminal offense involving moral turpitude or harm to another.

(ii) Examples of violations or incidents which the Department will not consider related to the applicant's suitability to engage in the business of being a public adjuster or public adjuster solicitor are all summary offenses, records of arrests if there is no conviction or a crime based on the arrest, convictions which have been annulled or expunged or convictions for which the applicant has received a pardon from the Governor.

(5) Fails to comply with the insurance-related provisions in sections 320 and 603(a) of the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C.A. §§ 1033 and 1034), if applicable.

(6) Has unpaid and overdue amounts, including, fees and civil penalties, owing to the Department.

**§ 115.21. Partnership or corporation application procedures.**

Procedures for partnerships or corporations are as follows:

(1) Partnerships or corporations shall apply for licensure using the appropriate licensing applica-

tion form. The form shall be signed in the name of the partnership or corporation by each active partner or active officer, and be accompanied by the appropriate licensing application form for each active partner or active officer who is not currently licensed. Accompanying the licensing application shall be:

(i) The appropriate application fee.

(ii) A bond as required by statute.

(iii) A receipt from the surety stating the premium has been paid in full on the bond.

(iv) A copy of the contract to be used in this Commonwealth.

(v) A copy of the articles of incorporation as filed with the Department of State, Corporation Bureau.

(vi) A copy of the public adjuster license of each active partner or active officer, if applicable.

(2) Employees of partnerships and corporations who apply for a license shall apply in their individual capacity.

(3) The worthiness of a partnership or corporation is determined by the worthiness of the active partner or the active officer.

(4) The application shall be subscribed and sworn to before a notary public.

(5) Applications executed more than 3 months prior to the date of filing with the Department will not be accepted.

(6) Making a false statement in an application may constitute a ground for license denial or revocation.

(7) Initial licenses will be valid as of the date issued by the Department until the expiration date stated on the license, unless earlier revoked by the Commissioner.

(8) Before a license is granted, the applicant shall first answer and submit, in writing and under oath, interrogatories on forms prepared by the Department. When the Commissioner is satisfied that the applicant is worthy of a license and has paid any appropriate fees, the Commissioner will issue a license stating that the licensee has been authorized by the Department to transact business as a public adjuster or public adjuster solicitor within this Commonwealth.

**§ 115.22. Renewal of license.**

License renewal procedures are as follows:

(1) Mailing of a license renewal form to the last known address of the licensee will satisfy the Department's obligation to provide the appropriate forms and notices.

(2) A license can be renewed only upon submission of a completed renewal form, payment of the required fees and a receipt from a surety stating the premium on the bond, as required, has been paid in full.

(3) Licenses shall be renewed annually on the anniversary of the effective date of the initial license.

(4) Corporations shall provide to the Department the names of each active officer with the renewal form to be eligible for license renewal. Partner-

ships shall provide to the Department the names of each active partner with the renewal form to be eligible for license renewal.

(5) Failure to complete and submit the renewal form and required fee by the expiration date shall be deemed voluntary termination by the public adjuster or public adjuster solicitor. Failure to correct and resubmit application renewal forms returned by the Department under this section, prior to the expiration date of the license, or within 15 days of the date the forms were mailed by the Department, whichever is greater, will be deemed

voluntary termination by the public adjuster or public adjuster solicitor. Renewal forms received by the Department after expiration will be denied; except that renewal forms returned by the Department under this section and resubmitted as instructed by the Department after expiration but within 15 days of the date the incomplete forms were mailed by the Department to the applicant will be accepted.

[Pa.B. Doc. No. 02-173. Filed for public inspection February 1, 2002, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 68]

#### Internal Guidelines for MBE/WBE Certification

The Department of General Services (Department) acting under the authority conferred on it by Executive Order No. 1996-8 (4 Pa. Code §§ 1.451—1.459) and Executive Order No. 1996-1 (4 Pa. Code §§ 1.371—1.382) is amending Chapter 68 (relating to contract compliance) to read as set forth in Annex A.

#### *Purpose*

Executive Order No. 1996-8 rescinded and replaced Executive Order 1987-18. The Department is amending its statement of policy to reflect the changes which were instituted by Executive Order No. 1996-8 and to make other revisions to the Department's existing statement of policy on Internal Guidelines for MBE/WBE Certification. The amended statement of policy will:

- a. Reflect the change in the name of the Department's Office of Minority and Women Business Enterprise to the Bureau of Contract Administration and Business Development (BCABD).
- b. Add Asian-Indian Americans as a recognized minority group.
- c. Add as a requirement of eligibility that an applicant for certification must have done business for 1 year or have a reviewed 2-year business plan.
- d. Limit the cumulative period of certification and recertification as an MBE or WBE to 8 years.
- e. State that the number of employees for MBEs/WBEs shall be set at the maximum amount established by 62 Pa.C.S. § 2102 (relating to definitions). Currently the total cannot exceed 50 employees.

#### *Fiscal Impact*

The Department will continue to incur personnel and other costs in administering the MBE/WBE certification program. The estimated 2001-2002 fiscal year costs are \$168,000.

#### *Paperwork Requirements*

The amended statement of policy will require applicants for certification to provide business history information showing that the applicant has actually done business for 1 year or has a reviewed 2-year business plan.

#### *Statutory Authority*

The Department's authority for the statement of policy is contained in Executive Order No. 1996-8.

#### *Effective Date*

This amended statement of policy shall be effective upon publication.

#### *Contact Person*

For information regarding this statement of policy, contact Gary N. Lee, Director, Bureau of Contract Administration and Business Development, Department of General Services, Room 502 North Office Building, Harrisburg, PA 17125.

KELLY POWELL LOGAN,  
*Secretary*

*(Editor's Note: The regulations of the Department are amended by amending a statement of policy in §§ 68.201—68.210 to read as set forth in Annex A.)*

**Fiscal Note:** No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART III. DEPARTMENT OF GENERAL SERVICES

#### Subpart C. CONSTRUCTION AND PROCUREMENT

#### ARTICLE III. PROCUREMENT

#### CHAPTER 68. CONTRACT COMPLIANCE

#### Subchapter C. INTERNAL GUIDELINES FOR MBE/WBE CERTIFICATION—STATEMENT OF POLICY

#### § 68.201. Policy.

(a) Executive Order No. 1987-18 established the Office of Minority and Women Business Enterprise (OMWBE) in the Department of General Services (Department). Executive Order No. 1996-8, 4 Pa. Code §§ 1.451—1.459, rescinded and replaced Executive Order No. 1987-18. The responsibilities previously assigned to OMWBE by Executive Order No. 1996-8 were transferred to the Department's BCABD. On January 30, 1996, the Executive Board approved the reorganization of the OMWBE and assigned all responsibilities to the newly-formed BCABD. That order expresses the Commonwealth's strong commitment to assisting minority and women-owned business enterprises in their efforts to compete for State government contracting and subcontracting opportunities. The BCABD will assist executive agencies and independent commissions, other than the Department of Transportation, which has a separate program, in their responsibilities. The identification of certified MBEs and WBEs can, for example, be used in deciding a bidder's responsibility in connection with a public works construction project. The identification and certification of MBEs and WBEs will have other uses in connection with Commonwealth contracts for supplies and services.

(b) This subchapter establishes guidelines which the Department will initially follow in determining which business entities are bona fide and will be certified and which business entities, previously certified, will be decertified. The Department and the BCABD possess broad statutory authority governing Commonwealth contracting as well as the authority provided and under §§ 1.451—1.459. This subchapter gives direction to the BCABD, executive agencies and others as to how that broad authority and agency discretion will be exercised. The Department and the BCABD intend to proceed with the implementation of MBE and WBE certification on a case-by-case basis. This subchapter expresses the present intention of the Department and the BCABD with respect to the implementation of the certification program. The Department and the BCABD reserve the right to depart from this subchapter in the exercise of agency discretion in an appropriate case. This subchapter constitutes guidelines to the BCABD, the executive agencies and others within this Commonwealth. This subchapter is not and does not purport to operate as a regulation and does not have or purport to have the force of law.

**§ 68.202. Definitions.**

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

*BCABD*—The Bureau of Contract Administration and Business Development established under §§ 1.451—1.459 (relating to minority and women business enterprise), within the Department.

*Certification*—A determination made by the BCABD that a for-profit business entity is an MBE or WBE. In the alternative, the BCABD may, by declaration, accept the certification program of other public bodies if the certification program conforms substantially to the program of the BCABD established in §§ 1.451—1.459. When the certification program of another public body has been declared to be accepted, an MBE or WBE will be deemed certified under this program if the certification remains current and if the business entity has not been decertified.

*Department*—The Department of General Services of the Commonwealth.

*MBE or Minority Business Enterprise*—A small business that is one of the following:

(i) A sole proprietorship, owned and controlled by a minority.

(ii) A partnership or joint venture controlled by minorities in which at least 51% of the beneficial ownership interest is held by minorities.

(iii) A corporation or other business entity controlled by minorities in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by minorities.

*Minority*—A person who is a citizen of the United States who is a Black American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American.

(i) *Black (African) Americans*—Persons having origins from any of the Black groups of Africa. The term includes persons having origins in any of the original peoples of the Cape Verde Islands.

(ii) *Hispanic Americans*—Persons having their origins from one or more of the Spanish-speaking peoples of Mexico, Puerto Rico, Cuba, Central or South American or the Caribbean Islands.

(iii) *Native Americans*—Persons having origins from one or more of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.

(iv) *Asian-Pacific Americans*—Persons having origins from one or more of the original peoples of the Far East, Southeast Asia or the Pacific Islands, including China, Japan, Korea, Samoa and the Philippine Islands.

(v) *Asian-Indian Americans*—Persons whose origins are from India, Pakistan and Bangladesh.

*Secretary*—The Secretary of the Department or a designated deputy secretary of the Department.

*Small business*—A business in the United States which is independently owned, is not dominant in its field of operation and, employs no more than the maximum number of employees established by 62 Pa.C.S. § 2102 (relating to definitions).

*WBE or Women's Business Enterprise*—A small business that is one of the following:

(i) A sole proprietorship, owned and controlled by a woman.

(ii) A partnership or joint venture controlled by women in which at least 51% of the beneficial ownership is held by women.

(iii) A corporation or other entity controlled by women in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by women.

*Women*—United States citizens who are of the female gender.

**§ 68.203. Certification of eligible MBEs and WBEs.**

(a) *Purpose.* The purpose of this subchapter is to ensure that only those for-profit businesses and businesses which are owned and controlled in both form and substance by one or more minorities or women are certified.

(b) *Application form.* The BCABD will provide applications for businesses that are sole proprietors, partnerships, corporations and for other business entities. The appropriate application will be distributed to the businesses for completion. In the ordinary instance, it will be a reasonable exercise of agency discretion for the BCABD to decline to certify a business that fails to complete the application form. A distortion, false statement or nondisclosure of information that is a material misrepresentation will, in the ordinary instance, warrant denial of certification and may result in referral to other agencies for consideration of other civil or criminal actions.

(c) *Acceptance of other public jurisdictions' certification.* If the business has a current certification from a BCABD-approved public body, evidence of that certification may be obtained and relied upon by BCABD in lieu of completing a certification application. BCABD may obtain, as part of the application process, information from out-of-State businesses on current MBE/WBE certification from the business' home state governmental certifying body and from other public jurisdictions. Out-of-State businesses shall first be certified by their home state before applying for certification with the Department.

**§ 68.204. Eligibility standards.**

The following standards will be used by the BCABD in determining whether a business is owned and controlled by one or more minorities or women and therefore eligible to be certified as an MBE or WBE:

(1) *Business history.* The applicant shall have actually done business for 1 year before submission of the application, or it shall have a 2-year business plan reviewed by a Small Business Development Center.

(2) *Ownership.*

(i) Bona fide minority and women group membership may be established on the basis of the individual's claim that the individual is a member of a minority group or the individual is of the female gender. Verification of group membership may be accepted through submission of birth certificates, military records, passports or tribal cards.

(ii) An eligible MBE or WBE under this subchapter shall be an independent business. The ownership and control by minorities or women shall be real, substantial and continuing and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The minority and women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interest as demonstrated both by an examination of the

substance and form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an MBE or WBE. In determining whether a potential MBE or WBE is an independent business, the BCABD will consider all relevant factors, including the date the business was established, its resources, and the nature of the financial, and lease arrangements. The business relationship with non-MBE or WBE businesses, in areas such as personnel, facilities, equipment, financial or bonding support, or both, and other resources will also be considered. The business' relationship with prime contractors will be examined to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential MBE or WBE business.

(iii) The contributions of capital and expertise by the minority or women owners to acquire their interests in the business shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the business or to an owner who is not a minority or woman or the mere participation as an employee rather than as a manager.

(iv) For purposes of determining ownership, the BCABD will presume as not being held by a minority or woman all interests in a business or other assets obtained as the result of a gift, or transfer without adequate consideration, if the donor is:

(1) Involved in the same business for which the individual is seeking certification, or an affiliate of that business.

(2) Involved in the same or a similar line of business.

(3) Engaged in an ongoing business relationship with the business, or an affiliate of the business, for which the individual is seeking certification.

(v) To overcome this presumption and permit the interests or assets to be counted, the minority or women owners shall demonstrate that:

(1) The gift or transfer to the minority or women owners was made for reasons other than obtaining certification as an MBE/WBE.

(2) The minority or women owners actually control the management, policy and operations of the business, notwithstanding the continuing participation of the donor who provided the gift or transfer.

(3) *Management control.* The minority or women owners shall possess the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy and operations. The minority or women owners shall hold the highest officer position in the company (for example, chief executive officer or president). In a corporation, the minority or women owners shall control the board of directors. The business may not be subject to formal or informal restrictions which limit the customary discretion of the minority or women owners. There may be no restrictions through, for example, by-law provisions, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women owners, without the cooperation or vote of an owner who is not a minority or woman, from making a business decision of the business. If the actual management of the business is contracted out to, or otherwise has been placed with individuals other than the minority or women owners,

those persons who have the ultimate power to hire and fire the managers will ordinarily be considered as controlling the business.

(4) *Operational control.* The minority or women owners shall demonstrate through the application sufficient experience, knowledge and expertise to operate that particular business. The minority or women owners shall have an overall understanding of and technical competence directly related to the type of business in which the business is engaged. The minority and women owners are not required to have experience or expertise in every critical area of the business' operations, or to have greater experience or expertise in a given field than managers or key employees. The minority and women owners shall have the ability to intelligently and critically evaluate information presented by other participants in the business' activities and to use this information to make independent decisions concerning the business' daily operations, management and policymaking. Generally, expertise limited to office management, administration or bookkeeping functions unrelated to the principal business activities of the business is insufficient to demonstrate control. If State or local law requires the business to have a particular license or other credentials to own or control, or both, a certain type of business, the minority or women owners who own and control that type of business shall possess the required license or credentials. Additionally, if the owners of the business who are not minorities or women are disproportionately responsible for the operation of the business—to include possessing any required licensing for the business—the business will ordinarily be considered as not being controlled by minorities or women and not qualifying as an MBE or WBE.

(i) Securities which constitute ownership or control, or both, of a corporation for business purposes of establishing it as an MBE or WBE shall be held directly by minorities or women. Securities held in trust, or by a guardian for a minor, may not be considered as held by minority or women in determining the ownership or control of a corporation.

(ii) Complete information regarding a change in ownership, control or financial condition shall be provided to the BCABD, which may consider a business' failure to provide promptly relevant information in decertification decisions.

(5) *Circumstances for special review.* In addition to the standards in paragraphs (1)—(4), the BCABD will ordinarily give special consideration to the following circumstances in determining eligibility under this subchapter:

(i) Newly formed businesses whose ownership or control, or both, has recently changed will be closely scrutinized to determine the reasons for the change in the business.

(ii) A previous or continuing, or both, employer-employee relationship between or among present owners will be carefully reviewed to ensure that the employee-owner has management responsibilities, requisite knowledge and expertise to direct and operate the business.

(iii) A relationship between an MBE or WBE and a business which is not an MBE or WBE, which has an interest financially or otherwise in the MBE or WBE, will be carefully reviewed to determine if the interest of the non-MBE or WBE conflicts with the ownership and control requirements of this subchapter.

#### § 68.205. Joint venture.

(a) The BCABD will ordinarily find a joint venture eligible under this subchapter if the MBE or WBE

partner of the joint venture meets the other certification criteria. The MBE or WBE partner shall be responsible for a clearly defined portion of the work to be performed, and the MBE or WBE shall maintain majority ownership and control in management responsibilities, risks and profits of the joint venture.

(b) The BCABD will ordinarily obtain from a business seeking certification as a joint venture MBE or WBE additional information needed to make a determination.

**§ 68.206. Approved certification.**

(a) If the BCABD determines that the applicant meets the criteria to be certified as an MBE or WBE, the applicant will be issued a certification number in recognition of its status.

(b) An MBE or WBE certification notice, unless revoked by decertification, will provide for automatic expiration 24 months from the date of issuance. If there is a change in ownership or control of the business, the MBE or WBE shall forward information within 2 weeks of the change to update the original application. Failure to update may be cause for decertification.

(c) Applicants will be certified in the areas applied for, consistent with the field of expertise demonstrated through the application. Additional endeavors engaged in by the business shall be documented and submitted to the BCABD prior to approval of certification in those additional areas.

(d) A recertification of a previously certified MBE or WBE will ordinarily be treated as a new applicant for certification. The requirements of this subchapter will be applied to the recertification applicant, and no benefits or rights will be given to the recertification applicant because of its previous certification. Applicants may be recertified for an additional 24 months. The cumulative period of certification and recertification as an MBE or WBE may not exceed 8 years.

(e) An application which upon its face does not claim ownership or control by a minority or women as defined by this subchapter shall ordinarily be denied.

**§ 68.207. Certification denial.**

(a) The denial of certification by the BCABD will not ordinarily be reconsidered, except under subsection (b). The BCABD may accept reapplications for certification, and information and documentation correcting technical deficiencies in the MBE/WBE certification application at any time. The BCABD will reject reapplications when the reason for the denial was substantive unless deficiencies in ownership and control have been corrected and unless a sufficient period of time, usually 1 year, has passed with the new provisions on ownership and control in place. The BCABD will exercise care to ensure that directors, officers and employees of businesses that have been denied certification are not reapplying under new business names in an attempt to frustrate the BCABD's review.

(b) The BCABD will permit reconsideration of the denial of certification if the submittal is made in writing within 30 days of the denial letter. The BCABD will forward to the the Secretary or a designee the information submitted in support of reconsideration. A decision on reconsideration will be made by the Secretary.

(c) A person who knowingly makes or causes to be made, a false, deceptive or fraudulent statement on the application will be denied certification by the BCABD.

The BCABD will ordinarily refer the statements to the appropriate authorities for possible further criminal or civil action.

**§ 68.208. Decertification.**

(a) The BCABD will ordinarily decertify businesses for reasons relating to the considerations in this subchapter including the following:

(1) The business is no longer owned or controlled by minority or women.

(2) The business received certification by knowingly submitting false and misleading information.

(3) The business knowingly allowed the misuse of its certification status.

(4) The business failed to respond, cooperate or otherwise comply with a request for information from the BCABD or another Commonwealth department, agency, commission, board, office, official or other representative.

(5) There are other causes affecting the businesses' status or responsibility, or both, as may be determined by the BCABD to warrant decertification.

(b) The BCABD will send a business a Notice of Proposal to Decertify by certified mail. The notice will:

(1) Specify the reasons for the proposed decertification in terms sufficient to put the business on notice of the conduct or transactions upon which the notice is based.

(2) State the causes relied upon under subsection (a) for proposing decertification.

(3) Advise that, within 20 days after receipt of the notice, the business may submit, in person, in writing or through a representative, information in opposition to the proposed decertification, including information that raises a genuine dispute over the material facts.

(4) State the potential effect of the proposed decertification.

(5) Advise that the Director of the BCABD will make this decision.

(c) The decision letter informing the business that it has been decertified will also inform the decertified business of rights of review it has.

(d) If the actions of the business appear to be flagrant criminal conduct, the BCABD may, upon the filing of an indictment, information or other charge, temporarily suspend the certification until the determination is made to decertify or to reinstate. A review of this temporary suspension may be made by the Secretary.

**§ 68.209. Review of decertifications.**

(a) The Secretary or a designee will ordinarily require that requests for review of decertifications be made in writing and that the request recite the grounds upon which the request is based.

(b) The Secretary or a designee may reject requests that are untimely or insufficient. Ordinarily, requests made more than 30 days after the date of the decertification letter will be considered untimely. Further, requests that do not raise issues suggesting that the decertification is in error will be denied as insufficient.

(c) In the exercise of discretion, the Secretary may direct that a hearing be conducted under § 68.210 (relating to hearing).

**§ 68.210. Hearing.**

(a) *Scope.* This hearing procedure applies only to requests for review of the decertification decision. The Secretary may delegate to a designee, usually a hearing officer, the responsibility for conducting a fact-finding hearing and for making a report and recommendation. Fact-finding hearings will only be held when the business requests a review under § 68.209 (relating to review of decertifications).

(b) *Purpose.* The fact-finding hearing will be held to determine the operative and relevant facts forming the basis for the decertification action as delineated in the written notice of decertification action provided to the business. The hearing will also determine the sufficiency of the grounds for the review as delineated in the writing. The results of proceedings before the BCABD will also be considered. The fact-finding hearing affords the business

which has been decertified an additional opportunity to demonstrate that the facts upon which the decertification is based are insufficient, incorrect, misleading or otherwise do not warrant the decertification. In addition to presenting material relevant to disputed facts, the business may present other information and arguments in accordance with the grounds stated in the request for review showing why it should not be decertified. Other information may be used by the designee in making a recommendation to the Secretary.

(c) *Conduct of hearing.* If a hearing is warranted, it will be conducted under 2 Pa.C.S. §§ 502—508 and 701—704 (relating to Administrative Agency Law). If the BCABD takes the action, it has the burden of proof.

[Pa.B. Doc. No. 02-174. Filed for public inspection February 1, 2002, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, February 6, 2002. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion will include an update on the Comprehensive Plan (CP) and a proposed resolution concerning development of management strategies for implementing the goals and objectives of the CP; a Water Quality Advisory Committee proposal concerning the Delaware Riverkeeper's "Petition To Designate The Lower Delaware River As Special Protection Waters And Other Matters"; a report on the PCB TMDL development effort and proposal to modify the composition of the PCB Expert Panel within the previously approved budget authority; a report on Delaware Estuary Program activities; a proposal to fund a pilot Internet GIS interactive mapping application; a proposed resolution to enter into a contract with the Delaware Riverkeeper Network to provide support for the Little Neshaminy Watershed Study; a proposal to release for public comment the *Draft Guidelines for Developing an Integrated Resource Plan Under the Delaware River Basin Commission Southeastern Pennsylvania Ground Water Protected Area Regulations*; and a report on developments pursuant to Resolution No. 2001-32, declaring a drought emergency for the purpose of conservation of regional reservoir storage.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the following dockets, a resolution adopting the 2002 Water Resources Program.

The dockets scheduled for public hearing are as follows:

1. *Holdover Project: Philadelphia Suburban Water Company. D-98-11 CP.* A project to withdraw up to 4.0 million gallons per day (mgd) from the East Branch Brandywine Creek for public water supply when streamflow exceeds 25% of the average daily flow and is also greater than 90 mgd for the Brandywine River at Chadds Ford. The applicant proposes to serve portions of Wallace, East Brandywine and West Brandywine Townships, all in Chester County, PA. The intake will be situated on the east bank of the East Branch Brandywine Creek just south of Marshall Road in Wallace Township. On a yearly use basis, withdrawal is expected to average approximately 0.76 mgd. When available, the raw water will be conveyed for storage in a nearby abandoned quarry (known as Cornog Quarry) with an estimated storage capacity of approximately 100 mg. Withdrawals ranging from 0.5 mgd to 1.0 mgd will then be made from the quarry, treated by a proposed new filter plant, and distributed to the project service area.

2. *Kiamesha Artesian Spring Water Company. D-90-68 CP Renewal.* A groundwater withdrawal renewal project to supply up to 9.8 mg/30 days of water to the applicant's public water distribution system from the existing Filtra-

tion Plant Well and Fraser Road Well in the Upper Devonian aquifer. No increase in allocation is proposed. The project is located in the Town of Thompson, Sullivan County, NY.

3. *Metachem Products LLC. D-90-96 Renewal.* A groundwater remediation withdrawal project to continue withdrawal of 10.8 mg/30 days of water from existing Wells Nos. RW-1—5 in the Columbia Formation in the Red Lion Creek watershed. The project is located near the north side of Governor Lea Road approximately 1.4 miles north of the Routes 98-72 intersection near Delaware City, New Castle County, DE.

4. *Washington Township Municipal Utilities Authority. D-98-6 CP.* A groundwater withdrawal project to supply up to 248.2 mg/30 days of water to the applicant's distribution system and to permit new Wells Nos. 19 and 20. No increase in allocation is proposed. The project is located in Washington Township, Gloucester County, NJ.

5. *MBNA America. D-2001-7.* A groundwater withdrawal project to supply up to 412 mg/30 days from new Wells Nos. 10 and 14 to supplement supply from its White Clay Creek intake for irrigation of the applicant's Deerfield Golf & Tennis Club and to retain the existing total combined withdrawal from all sources to 6.75 mg/30 days. The project wells are located in the Wissahickon Formation in New Castle County, DE.

6. *Muhlenberg Township Authority. D-2001-30 CP.* A ground water withdrawal project to supply up to 10.8 mg/30 days of water to the applicant's public water supply system from new Well No. 15 in the Leithsville Formation and to increase the existing withdrawal from all wells to 168.5 mg/30 days. The project is located in the Willow Creek watershed in Ontelaunee Township, Berks County, PA.

7. *Conectiv Mid-Merit, Inc. D-2001-31.* An electric power project which entails an average withdrawal of 3.5 mgd of water from the Lehigh River via a proposed new intake for cooling tower make-up. An average of 1.82 mgd of cooling tower blow-down will be discharged back to the Lehigh River via an outfall to be constructed downstream from the project intake. Two 550 MW natural gas-fired power modules will be constructed on a brownfield site in the southern part of the City of Bethlehem, Northampton County, PA on land owned by the Bethlehem Steel Corp. The City of Bethlehem will supply an average of 0.31 mgd of potable water to the applicant for sanitary and process water requirements, of which approximately 0.02 mgd will be returned to Bethlehem's sewage treatment plant for treatment. The overall average water demand will be 3.81 mgd, and the overall consumptive use is projected at 52% or about 1.97 mgd. The power station will be designed to utilize low-sulfur distillate fuel as a secondary fuel supply and to provide electric power to the PJM grid.

8. *City of Dover. D-2001-43 CP.* A groundwater withdrawal project to supply up to 19.44 and 17.28 mg/30 days of water to the applicant's public water supply system from replacement Well No. 13 and from new Well No. 15, respectively, and retain the existing withdrawal from all wells at 438.24 mg/30 days. Both Well No. 13 and Well No. 15 are in the Cheswold Aquifer. The project is located in the St. Jones River watershed in Kent County, DE.

9. *Lejeune Properties, Inc. D-2001-45.* A project to construct a 0.086 mgd sewage treatment plant (STP) to serve



the River Crest Residential Golf Course Community in Upper Providence Township, Montgomery County, PA. The proposed STP is located on the applicant's 283-acre tract off Black Rock Road and State Route 29, in the Schuylkill River watershed. Following tertiary level, effluent will be used to spray irrigate the onsite golf course, but during the winter, STP effluent will be discharged to an unnamed tributary of the Schuylkill River.

10. *Little Washington Wastewater Company. D-2001-46.* A project to construct a 0.085 mgd STP to serve the Somerset Development in Newtown Township, Delaware County, PA. The project is located along the western side of Newtown Road about ¼-mile north of its intersection with Gradyville Road. The project is designed to provide tertiary treatment via an anoxic/oxic process and features chemical addition and effluent filtration. The proposed STP will discharge to an unnamed tributary of Hunter Run in the Crum Creek watershed.

11. *Municipal Authority of the Township of Branch. D-2001-47 CP.* A project to construct a 0.45 mgd STP to serve the predominantly residential service area of Branch and Cass Townships, both in Schuylkill County, PA. The proposed plant is designed to provide advanced secondary treatment and will discharge to the West Branch Schuylkill River. The project is located just south of U.S. Route 209 off Railroad Avenue in Branch Township, Schuylkill County, PA.

12. *Superior Water Company. D-2001-48 CP.* A ground water withdrawal project to supply up to 4.5 mg/30 days of water to the applicant's public water supply system from new Well No. 1 in the Hammer Creek Formation. The project is located in the Schuylkill River watershed in North Coventry Township, Chester County, in the Southeastern Pennsylvania Ground Water Protected Area.

13. *Citizens Utilities Water Company of Pennsylvania. D-2001-49 CP.* An application for approval of a ground-water withdrawal project to supply up to 5.18 mg/30 days of water to the applicant's public water supply system from new Well No. DG-12A in the Brunswick Formation and to increase the existing withdrawal from all wells to 29.14 mg/30 days. The project is located in the Magneton Creek watershed in Amity Township, Berks County, PA.

14. *Village of Beach Lake. D-2001-52.* A project to construct a 0.09 mgd STP to serve residents of Beach Lake Village in Berlin Township, Wayne County, PA. The existing subsurface grainfield system will be replaced by an intermittent cycle extended aeration system, which is designed to provide advanced secondary level of treatment prior to discharge to Beach Lake Creek in the Masthope Creek Watershed. The proposed plant will be constructed about 1 mile east of Beach Lake, just south of State Route 652 and is located in the drainage area to the Special Protection Waters.

15. *Mountainside Farms, Inc. D-2001-53.* A project to upgrade and expand a 0.036 mgd industrial waste treat-

ment plant (IWTP) to process 0.051 mgd from the Mountainside Farms, Inc. milk processing facility located about ¼-mile off State Route 30, in the Town of Roxbury, Delaware County, NY. The project is located in the drainage area to the Commission Special Protection Waters. Following tertiary treatment, the IWTP effluent will continue to percolate to ground water through six exfiltration ponds in the East Branch Delaware River Watershed.

16. *The Ace Center. D-2001-57.* A groundwater withdrawal project to supply up to 12.7 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. 1 and 4 in the Wissahickon Formation. The project is located in the Schuylkill River watershed in Whitmarsh Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: minutes of the December 18, 2001, business meeting; announcements; a report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; action on an untimely request for hearing by Gary Eckenrode concerning Doc. D-2001-13 CP of the Northampton Bucks County Municipal Authority; a directed appearance by Delaware Estuary point source dischargers Motiva Enterprises LLC, Metachem Products, LLC and AFG Industries, Inc. to report on their progress toward submitting overdue PCB monitoring data required by the Commission; a resolution concerning the development of management strategies for implementing the goals and objectives of the Comprehensive Plan; a resolution to fund a pilot Internet GIS interactive mapping application; a resolution to enter into a contract with the Delaware Riverkeeper Network to provide support for the Little Neshaminy Watershed Study; a resolution for the minutes expanding the Watershed Advisory Council to include as many as 40 members; and public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY), to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 02-175. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 22, 2002.

## NOTICES

## BANKING INSTITUTIONS

## Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-18-02	F.N.B. Corporation, Naples, FL, to acquire 100% of the common stock of Promistar Financial Corporation, Johnstown, PA, and thereby indirectly acquire Promistar Bank and Promistar Trust Company, Johnstown	Naples, FL	Effective

## New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-16-02	York Founders Bank York York County <i>Correspondent:</i> Carl D. Lundblad, Esq. Rhoads & Sinon, LLP One South Market St. Harrisburg, PA 17101	York	Filed

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-02	Pennsylvania Business Bank Philadelphia Philadelphia County Purchase of assets assumption of liabilities of one branch office of The Bank of Gloucester County, Woodbury, NJ, located at: 30 Elm Avenue Woodbury Heights Gloucester County, NJ	Philadelphia	Effective

## Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-15-02	WNB Bank Williamsport Lycoming County	24 N. Cedar Street Lititz Lancaster County	Filed
1-16-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 41 Allegheny Towne Center Drive Leechburg Westmoreland County	Approved
1-16-02	Farmers First Bank Lititz Lancaster County	890 East Main Street Ephrata Lancaster County	Filed

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-176. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Election of Nesquehoning Savings Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Nesquehoning Savings Bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513(b)), Nesquehoning Savings Bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-177. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Eligibility Tests for Classroom Plus—Pennsylvania's Education Support Services Program

The act of May 17, 2001 (P. L. 4, No. 4) (Act 4) established Classroom Plus—Pennsylvania's Education Support Services Program (Program).

To be eligible for the Program, a student in the third, fourth, fifth or sixth grade must meet the eligibility requirements set forth in the Program guidelines issued by the Department of Education (Department).

The act also requires the Department to publish annually a list of approved tests that may be used to determine eligibility for the program.

In September 2001, the Department published a list of approved tests for the 2001-02 school year. Various tests, however, also have been added since publication of the initial list.

Therefore, the complete test list for the 2001-02 school year is as follows: The following tests administered in the third grade may be used to determine eligibility for students who score at or below the 25th percentile:

- Stanford Achievement Test Series, Eighth Edition (SAT 8)—Harcourt Educational Measurement
- Stanford Achievement Test Series, Ninth Edition (SAT 9)—Harcourt Educational Measurement
- Terra Nova—CTB McGraw-Hill
- Terra Nova, 2nd Edition—CTB McGraw-Hill
- Comprehensive Test of Basic Skills, Fourth Edition (CTBS 4)—CTB McGraw-Hill
- California Achievement Tests, Fifth Edition (CAT 5)—CTB McGraw-Hill
- Iowa Test of Basic Skills (ITBS)—Riverside Publishing
- Comprehensive Testing Program III—Educational Records Bureau

- Northwest Evaluation Associate Achievement Level Test (NWEAALT)—Northwest Evaluation Association
- Measures of Academic Progress—Northwest Evaluation Association
- Metropolitan Achievement Tests, Seventh Edition (MAT 7)—Harcourt Educational Measurement
- Metropolitan Achievement Tests, Eighth Edition (MAT 8)—Harcourt Educational Measurement
- Performance Assessments for ITBS, TAP and ITED—Riverside Publishing

The following tests administered in the fourth grade may be used to determine eligibility for students who score at or below the 25th percentile:

- Stanford Achievement Test Series, Eighth Edition (SAT 8)—Harcourt Educational Measurement
- Stanford Achievement Tests Series, Ninth Edition (SAT 9)—Harcourt Educational Measurement
- Metropolitan Achievement Tests, Seventh Edition (MAT 7)—Harcourt Educational Measurement
- Metropolitan Achievement Tests, Eighth Edition (MAT 8)—Harcourt Educational Measurement
- Terra Nova—CTB McGraw-Hill
- Terra Nova, 2nd Edition—CTB McGraw-Hill
- Comprehensive Test of Basic Skills, Fourth Edition (CTBS 4)—CTB McGraw-Hill
- California Achievement Tests, Fifth Edition (CAT 5)—CTB McGraw-Hill
- Iowa Test of Basic Skills (ITBS)—Riverside Publishing
- Comprehensive Testing Program III—Educational Records Bureau
- Northwest Evaluation Associate Achievement Level Test (NWEAALT)—Northwest Evaluation Association
- Measures of Academic Progress—Northwest Evaluation Association
- New Standards Reference Exam—Harcourt Educational Measurement
- Performance Assessments for ITBS, TAP and ITED—Riverside Publishing

The following tests administered in the fifth grade may be used to determine eligibility for students who score below the basic level of proficiency:

- Pennsylvania System of School Assessment
- Pennsylvania Alternate System of Assessment

For more complete information, refer to the updated version of the Program guidelines issued by the Department.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-178. Filed for public inspection February 1, 2002, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

#### I. NPDES Renewal Applications

*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>
PA0030571	New Life Youth & Family Services P. O. Box 203 585 Freeman School Road Harleysville, PA 19438	Montgomery County Lower Salford Township	UNT to East Branch Perkiomen Creek	Y
PA0053627	Brad Kardux 745 Forest Grove Road P. O. Box 304 Wycombe, PA 18980	Buckingham Township Bucks County	Mill Creek	Y
PA0054313	Sherry Stangil, Grant Ziegler P. O. Box 512 3176 Walnut Street Springtown, PA 18081	Springfield Township Bucks County	Cooks 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. PA0025437**, Sewage, **North Coventry Municipal Authority**, P. O. Box 0833, Pottstown, PA 19464. This application is for renewal of an NPDES permit to discharge treated sewage from North Coventry Municipal Authority STP in North Country Township, **Chester County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.5 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Residual Chlorine	0.5		1.6
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Monitor/Report		
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

The EPA Waiver is not in effect.

**No. PA0058432**, Sewage, **Dr. Said Ali**, 25 Longview Drive, Thornton, PA 19373. This application is for issuance of an NPDES permit to discharge treated sewage from Ali Said SRSTP in Thornbury Township, **Delaware County**. This is a new discharge to an unnamed tributary to West Branch of Chester Creek.

The first downstream potable water supply intake from the point of discharge is the Media Borough Auxiliary Intake in Aston Township.

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

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

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

The EPA Waiver is in effect.

**No. PA0057061**, Sewage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435. This application is for renewal of an NPDES permit to discharge treated sewage from an sewage treatment plant in Upper Frederick Township, **Montgomery County**. This is existing discharge to Scioto Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 21,525 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12.0	24.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.2	0.45
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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

**PA-0062791**, Industrial, **Just Born, Inc.**, 1300 Stefko Boulevard, Bethlehem, PA 18017. This proposed facility is located in City of Bethlehem, **Northampton County**.

Description of Proposed Activity: The receiving stream, the Lehigh River, is in the State Water Plan watershed #2C and is classified for: warm water fishery. The nearest downstream public water supply intake for Keystone Water Company Yardley District is located on Delaware River is 54 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.217 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Flow (MGD)	Monitor and Report			
Oil and Grease			15.0	30.0
pH	6.0 to 9.0 Standard Units at all times.			

1. Outfall 002 and 003 are stormwater outfalls.

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

**PA0246581**, CAFO, **Mercer Vu Farms, Inc.**, 12352 Karper Road, Mercersburg, PA 17236-8705. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Activity: The Mercer Vu Farm is an existing dairy operation that wishes to expand to 920 cows and dry cows and 72 large heifers and calves with a total AEU's of 1,254.5. An estimated quantity of total annual manure production is 48,607.1 tons stored in an existing round reinforced concrete manure storage structure plus the construction of a HDPE-lined manure storage facility structure with an approximate storage volume of 7.8 million gallons. The solids will be composted onsite and either land applied or solid off site if a market develops. The Nutrient Management Plan was written to apply all solid manure on site. Total acres where nutrients will be applied 349.0 owned acres and 313.7 rented acres.

The receiving stream, Johnston Run, is in the State Water Plan watershed 13-C/Conococheague Creek and is classified for: CWF.

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

**Application No. PA 0026620**, Sewage, **Borough of Millersville**, 10 Colonial Avenue, Millersville, PA 17551. This facility is located in Manor Township, **Lancaster County**.

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

The receiving stream, the Conestoga River, is in Watershed 7-J and classified for warm water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Dam Power Plant is located on Susquehanna River, approximately 14 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.85 MGD are:

<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	40	50
Suspended Solids	30	45	60
Total Nitrogen		Monitor	
Total Phosphorus	2	XXX	4
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,900/100 ml as a geometric average	
(10-1 to 4-30)			

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0034886**, Industrial Waste, **Wolverine Tube—Small Tube Products Company, Inc.**, P. O. Box 1674, Altoona, PA 16603-1674. This facility is located in Allegheny Township, **Bedford County**.

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

The receiving stream, Beaverdam Branch, is in Watershed 11-A and classified for trout stocking, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 150 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.183 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	—	—	from 6.0 to 9.0 inclusive		
Temperature	—	—	Monitor and Report		
Total Copper	0.49	1.28	0.32	0.64	0.80
Total Zinc	4.0	8.0	2.6	5.2	6.5
Total Lead	0.35	0.70	0.23	0.46	0.58
Total Chromium	0.62	1.53	Monitor	—	1.00
Total Nickel	4.33	6.66	Monitor	—	7.09

The proposed limits for Outfalls 002, 003 and 004 are:

Parameter	Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	from 6.0 to 9.0 inclusive		
Temperature	Monitor and Report		

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0086398**, Groundwater Cleanup, SIC Code 9511, **U. S. Army Corps of Engineers (Marsh Run Park)**, 285 18th Street, New Cumberland, PA 17070-5016. This facility is located in Fairview Township, **York County**.

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

The receiving stream, Marsh Run Creek, is in Watershed 7-E and classified for warm water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake is the Wrightsville Water supply Company is located on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.072 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	XXX	XXX	from 6.0 to 9.0 inclusive		
Total Mercury	XXX	XXX	0.5	1.0	1.2
1,1-Dichloroethylene	XXX	XXX	3.5	7.0	8.7
1,1,2,2-Tetrachloroethane	XXX	XXX	6.0	12	15
Trichloroethylene	XXX	XXX	7.5	15	18.7

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

- Monthly effluent monitoring for volatile organic compounds (VOCs) and metals
- Quarterly groundwater monitoring for VOCs and metals.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0246387**, Sewage, **Rustic Meadows Camping and Golf Resort**, 1980 Turnpike Road, Elizabethtown, PA 17022. This facility is located in West Donegal Township, **Lancaster County**.

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

The receiving stream, an unnamed tributary of Snitz Creek, is in Watershed 7-G and classified for warm water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.01215 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	20	40
NH <sub>3</sub> -N (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	0.37	1.2
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0246417**, Industrial Waste 5015, **State Line Sales, Inc.**, 2632 Robert Fulton Highway, Peach Bottom, PA 17563. This facility is located in Fulton Township, **Lancaster County**.

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

The receiving stream, unnamed tributary to the Conowingo Creek, is in Watershed 7-K and classified for high quality cold water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the Naval Training Center is located on the Susquehanna River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>		Monitor	
COD		Monitor	
Oil and Grease		Monitor	
pH		Monitor	
Total Suspended Solids		Monitor	
Total Kjeldahl Nitrogen		Monitor	
Total Phosphorus		Monitor	
Iron, Dissolved		Monitor	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0246484**, Sewage, **The Links at Gettysburg Land Co., LLC**. This facility is located in Mount Joy Township, **Adams County**.

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

The receiving stream, Rock Creek, is in Watershed 13-D and classified for warm water fisheries, water supply and recreation and fish consumption. The nearest downstream public water supply intake for City of Frederick, MD is located on Monocacy River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.110 MGD are:

<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	XXX	50
Total Suspended Solids	30	XXX	60
Total Phosphorus	2.0	XXX	4.0
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 49,000/100 ml as a geometric average

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

**PA# 0228494**, CAFO 0291, **Hostetter Management Company**, 120 Lake Street, Ephrata, PA 17522-0526. This existing facility is located in Beaver Township, **Snyder County**.

Description of existing activity: This farm operation is a sow unit housing 1,520 sows. The manure generated at this facility is exported to a total of 1,460 acres on other farms for nutrient application from 730.9 Animal Equivalent Units.

The receiving stream, Kern Run, is in the State Water Plan watershed 6A and is classified for: Cold Water Fishes.

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

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

**PA0218863**, Industrial Waste, SIC 4911, **Duke Energy North America**, 5400 Westheimer Court, Houston, TX 77056-5310. This application is for issuance of an NPDES permit to discharge treated process water, cooling water and stormwater from the Fayette Energy Facility—Duke Energy in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River (001) and unnamed tributary 41154 (002), classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Carmichaels Municipal Authority, located below Nemaocolin on the Monongahela River, over 3 miles below the discharge point.

*Outfall 001: new discharge, design flow of 0.973 MGD.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)			Monitor and Report		
Oil and Grease			Monitor and Report		
Temperature (°F)					110
Total Suspended Solids			Monitor and Report		
Total Residual Chlorine			0.5		1.0
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual solids disposal, floating solids control, temperature condition, stormwater conditions, oil storage area conditions, hydrostatic test discharge conditions, total residual chlorine restrictions, chemical additive controls, PCB control, sampling and Part II permit application required, cooling tower pollutant restrictions, chemical cleaning and intake structure wastes to be hauled off.

The EPA waiver is in effect.

*Outfall 101: new discharge, design flow of 0.688 MGD*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)			Monitor and Report		
Zinc			1.0	1.0	
Chromium			0.2	0.2	
Total Suspended Solids			30	100	
Total Dissolved Solids			Monitor and Report		
Oil and Grease			15	20	
Iron			2		4
Aluminum			4		8
Manganese			1		2
Free Available Chlorine			0.2		0.5
Antimony			Monitor and Report		

## NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	not less than 6.0 nor greater than 9.0				

*Outfall 201: new discharge, design flow of 0.036 MGD*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 301: new discharge, design flow of 0.008 MGD*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Total Dissolved Solids	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 401: new discharge, design flow of 0.144 MGD*

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

*Outfall 501: new discharge, design flow of 0.369 MGD*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 10.0				

*Outfall 002: new stormwater discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Discharge to consist of uncontaminated stormwater runoff.					

**PA0032212**, Sewage, **Lawrence J. and Pamela K. Nelson**, 144 Silver Lake Lane, Fombell, PA 16123. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Silver Lake STP in Marion Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 0.0016 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	9.0			18.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096717**, Sewage, **Penn Cambria School District**, 201 6th Street, Cresson, PA 16630-1363. This application is for renewal of an NPDES permit to discharge treated sewage from Penn Cambria Primary School STP in Lilly Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bear Rock Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.00442 mgd.

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

The EPA waiver is in effect.

**PA0097811**, Sewage, **Dry Tavern Sewer Authority**, P. O. Box 159, Rices Landing, PA 15357. This application is for Renewal of an NPDES permit to discharge treated sewage from Dry Tavern Sewer Authority Sewage Treatment Plant in Jefferson Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 0.051 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.3			6.6
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.03			0.08
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204994**, Sewage, **Central Indiana County Joint Sanitary Authority**, 30 East Wiley Street, Homer City, PA 15748. This application is for renewal of an NPDES permit to discharge treated sewage from Central Indiana County Joint Sanitary Authority STP in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Two Lick Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.65 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
Ammonia Nitrogen				
(5-1 to 10-31)	17.5	16.3		35.0
(11-1 to 4-30)	25.0	37.5		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0210102**, Sewage, **Brett Gassner**, 300 Gilkey Road, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Activity: treated sewage discharge from a single residence.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is New Castle District—Pennsylvania American water company and Shenango River located 9.1 miles below point of discharge.

The receiving stream, an unnamed tributary (Gulf Creek) to the Shenango River, is in watershed 20-A and classified for: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 400 GPD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	XX		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

#### PART II PERMITS

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

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

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

**WQM Permit No. 2802201**, CAFO Operation, **Mercer Vu Farms, Inc.**, 12352 Karper Road, Mercersburg, PA 17236-8705. This proposed facility is located in County. Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of a new manure reinforced concrete storage facility.

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

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

Description of Proposed Action/Activity: Construction of sanitary sewers, 3 pumping stations, a sand filter STP and spray irrigation disposal to serve Little Pine State Park.

**WQM Permit No. 1802401**, Sewerage [SIC 4952], **City of Lock Haven**, 20 East Church Street, Lock Haven, PA 17745. This proposed facility is located in the City of Lock Haven, **Clinton County**.

Description of Proposed Action/Activity: Construction of pump station and wastewater storage tank. Pump station will be constructed at the influent headworks of the existing treatment plant.

**WQM Permit No. 1701202**, Industrial Waste, **Westover Municipal Authority**, 121 North Main Street, P. O. Box 185, Westover, PA 16692-0185. This proposed facility is located in Westover Borough, **Clearfield County**.

Description of Proposed Action/Activity: Continue use of an existing lagoon and wetland area for the discharge of backwash water from a public drinking water treatment system. This existing lagoon and wetland area previously received the backwash water from a conventional filtration system, which is being replaced with a membrane filtration system.

**WQM Permit No. 0801403**, Sewerage, **Sigmund Winiavski**, R. R. 1, Doe Run 6, Troy, PA 16947. This proposed facility is located in Columbia Township, **Bradford County**.

Description of Proposed Action/Activity: Construct and operate a Single Residence Sewage Treatment System.

**WQM Permit No. 1701409**, Sewerage, **Municipal Authority of the Township of Morris**, P. O. Box 121, Allport, PA 16821. This proposed facility is located in Morris Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes to construct one new sewage pump station, 17,870 LF of 8-inch gravity sewers and appurtenances, 1,120 LF of 4-inch force main, 38 individual grinder pump stations, 6,250 LF low pressure sewer and upgrade three existing sewage pump stations.

The permit application was received on December 28, 2001.

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

**Application No. 0202401**, Sewerage, **Robinson Township**, 1000 Church Hill Road, Pittsburgh, PA 15205. Application for the construction and operation of a gravity sewer and sanitary sewer pump station to serve the Burkett Park Development located in Robinson Township, **Allegheny County**.

**Application No. 0377405-A1**, Sewerage, **North Apollo Borough**, 1624 Sixteenth Street, North Apollo, PA 15673. Application for the Construction and Operation of a Sewer Separation/Extension to serve the North Apollo Borough located in North Apollo Borough, **Armstrong County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 2602402**, Sewerage, **City of Uniontown**, 20 North Gallatin Avenue, Uniontown, PA 15401. Application for the construction and operation of a sanitary sewer system to separate combined sewers tributary to the Redstone Creek Interceptor and the Sewage Treatment Plant to serve the City of Uniontown, North Union Township and South Union Township located in the City of Uniontown, **Fayette County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 5672403-A2**, Sewerage, **Jenner Area Joint Sewer Authority**, P. O. Box 202, Jennerstown, PA 15547. Application for the construction and operation of sewer extensions and sewage plant equalization facility to serve the Jenner Area Joint Sewer Authority Sewage Treatment Plant located in Boswell Borough, **Somerset County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 2402401**, Sewerage, **Fox Township Sewer Authority**, 116 Irishtown Road, P. O. Box 186, Kersey, PA 15846-0186. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the expansion of an existing wastewater treatment facility.

**WQM Permit No. 1002402**, Sewerage, **Sutton Mobile Home Park**, 129 Elgie Drive, Butler, PA 16001. This proposed facility is located in Clay Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the installation and operation of a new sewage treatment facility to replace a malfunctioning on-lot system.

**WQM Permit No 4301427**, Sewerage, **Sandra K. Hill**, 352 Franklin Road, Mercer, PA 16137. This proposed facility is located in Coolspring Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 4202401**, Sewerage, **William Freeman**, P. O. Box 782, Bradford, PA 16701. This proposed facility is located in Lafayette Township, **McKean County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 4302401**, Sewerage, **Jeremy M. Gaus and Angela L. Fuchs**, 417 East Jamestown Road, Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No PA0238741**, Sewerage, **Don W. Neff**, 111 Beach Road, Chicora, PA 16025. This proposed facility is located in Concord Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No PAG048787**, Sewerage, **Thomas M. Lewis**, R. D. 2, Box 349-A, Portersville, PA 16051. This proposed facility is located in Perry Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 2001421**, Sewerage, **Carol Ann Scott**, 217 Fourth Street, Aspinwall, PA 15215. This proposed facility is located in Summerhill Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 2501425**, Sewerage, **Brett M. and Tricia M. Peterson**, 9841 Mark Road, Erie, PA 16509. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

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#### **NPDES Stormwater Individual Permit**

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The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

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

**NPDES Permit PAS10 G503**, Stormwater, **Marlin King**, 70 King Road, Honey Brook, PA, has applied to discharge stormwater associated with a construction activity located in Honeybrook Township, **Chester County** to West Branch Brandywine Creek (HQ-TSF).

**NPDES Permit PAS10 G504**, Stormwater, **Jerome McArdle**, 155 Schoolhouse Road, Christiana, PA 17509, has applied to discharge stormwater associated with a construction activity located in Lower Oxford Township, **Chester County** to UNT to Big Elk Creek (HQ-TSF).

**NPDES Permit PAS10 G505**, Stormwater, **Green Point Farm**, 402 Bayard Road, Kennett Square, PA 19348, has applied to discharge stormwater associated with a construction activity located in New London Township, **Chester County** to Hodgson Run (HQ-TSF).

**NPDES Permit PAS10-G506**, Stormwater, **Veteran's Life Insurance Company**, 4333 Edgewood Road, Cedar Rapids, IA 52499-5556, has applied to discharge stormwater associated with a construction activity located in East Whiteland Township, **Chester County** to Valley Creek (EV).

**NPDES Permit PAS10-T101**, Stormwater, **Steven W. Fisher**, 439 Mail Street, Harleysville, PA 19438, has applied to discharge stormwater associated with a construction activity located in Upper Salford Township, **Montgomery County**, to Stone Hill Run/Unami Creek (HQ-TSF).

#### **NOTICE OF INTENT (NOI) FOR COVERAGE UNDER CAFO NPDES GENERAL PERMITS**

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

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

The notice of intent and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the Regional Office noted. Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The new or renewal notice of intent, including other information submitted with the applications, is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

#### CAFO Notices of Intent Received

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

**PAG 124811**, CAFO, SIC 0213, **Matthew L. McClellan**, R. R. 1, Box 181, Granville Summit, PA 16926. This proposed facility is located in Granville Township, **Bradford County**.

Description of Size and Scope of Proposed Operation/Activity: Endless Mountain Farm contains a CAFO operated with the primary purpose of finishing swine. The estimated population of the CAFO will be 4,200 pigs, totaling 499 Animal Equivalent Units.

The receiving stream, North Branch Towanda Creek, is in the Towanda (4-C) watershed and classified for: Cold Water Fishes.

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

### PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

#### SAFE DRINKING WATER

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

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

#### Permit No. 6002501, Public Water Supply.

Applicant	<b>New Berlin Municipal Authority</b>
Borough	New Berlin Borough, <b>Union County</b>
Responsible Official	Garth R. Miller, Manager New Berlin Municipal Authority 700 Water Street P. O. Box 396 New Berlin, PA 17855-0396
Type of Facility	Public Water Supply
Consulting Engineer	J. A. Coukart & Associates 122 Front Street P. O. Box 300 New Berlin, PA 17855-0300
Application Received Date	January 10, 2002
Description of Action	Construction of Well #7, phosphate feed, a 325,000 gallon finished water storage reservoir, related transmission mains for use with existing chlorination system.

#### Permit No. 1402501, Public Water Supply.

Applicant	<b>College Township Municipal Authority</b>
Township	College Township, <b>Centre County</b>

Responsible Official R. David Derr, Chairperson  
College Township Municipal  
Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received January 14, 2002  
Date

Description of Action Construction of a transmission  
main for interconnection of the  
Oak Hall water system.

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

**Permit No. 6301504**, Public Water Supply.

Applicant **Tri-County Joint Municipal  
Authority**  
P. O. Box 758  
Frederickstown, PA 15333

[Township or East Bethlehem Township  
Borough]

Responsible Official Jeff Kovach, Manager  
Tri-County Joint Municipal  
Authority  
P. O. Box 758  
Frederickstown, PA 15333

Type of Facility SCI Prison Pump Station

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

Application Received December 31, 2001  
Date

Description of Action Pump station

**Permit No. 0302501**, Public Water Supply.

Applicant **Rayburn Township Municipal  
Authority**  
454B, R. D. 6  
Kittanning, PA 16201

[Township or Rayburn Township  
Borough]

Responsible Official Norman Bowser, Chairperson  
Rayburn Township Municipal  
Authority  
454B, R. D. 6  
Kittanning, PA 16201

Type of Facility Booster pump station

Consulting Engineer Senate Engineering Company  
U-PARC  
420 William Pitt Way  
Pittsburgh, PA 15238

Application Received January 4, 2002  
Date

Description of Action Waterlines, booster pump station

**Permit No. 3002501**, Public Water Supply.

Applicant **Southwestern Pennsylvania  
Water Authority**  
P. O. Box 187, 1442 Jefferson  
Road  
Jefferson, PA 15344

[Township or Washington Township, **Greene  
County** and German Township,  
Borough] **Fayette County**

Responsible Official Joseph Simatic, Manager  
Southwestern Pennsylvania Water  
Authority  
P. O. Box 187, 1442 Jefferson  
Road  
Jefferson, PA 15344

Type of Facility Water tanks

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received January 9, 2002  
Date

Description of Action 5.0 and 2.0 million gallon water  
tanks

**Permit No. 3202501**, Public Water Supply.

Applicant **Lower Indiana County  
Municipal Authority**  
P. O. Box 444  
Black Lick, PA 15716

[Township or Burrell and Center Townships  
Borough]

Responsible Official William A. King, Chairperson  
Lower Indiana County Municipal  
Authority  
P. O. Box 444  
Black Lick, PA 15716

Type of Facility Water tanks, pump station

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received January 9, 2002  
Date

Description of Action Dean Drive Reservoir, pump  
station and waterlines

**Permit No. 0302502**, Public Water Supply.

Applicant **Rural Valley Borough**  
P. O. Box 415  
Rural Valley, PA 16249

[Township or Rural Valley Borough  
Borough]

Responsible Official Richard Brewer, President of  
Council  
Rural Valley Borough  
P. O. Box 415  
Rural Valley, PA 16249

Type of Facility Water plant

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road, P. O. Box 200  
Indianola, PA 15051



Application Received January 9, 2002  
Date

Description of Action Development of well, construction of a water storage tank, installation of sodium hydroxide feed equipment and construction of an emergency interconnection pump station.

#### MINOR AMENDMENT

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

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

#### Application No., Minor Amendment.

Applicant **Ralston Area Joint Authority**

Township McIntyre Township, **Lycoming County**

Responsible Official John Orr, Chairperson  
Ralston Area Joint Authority  
P. O. Box 93  
Ralston, PA 17763

Type of Facility Public Water Supply

Consulting Engineer Pennoni Associates, Inc.  
3001 Market Street  
One Drexel Plaza  
Philadelphia, PA 19104

Application Received January 18, 2002  
Date

Description of Action Construction of a 100,000 gallon finished water storage tank

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

#### Application No. 3799502-MA1, Minor Amendment.

Applicant **PA—American Water Company**  
2736 Ellwood Road  
New Castle, PA 16101.

Township or Borough Mahoning and Union Townships  
**Lawrence County**

Responsible Official Kevin Mortimer, P.E., Engineer  
PA—American Water Co.

Type of Facility PWS

Consulting Engineer HRG Inc.  
290 Executive Drive, Suite 1A  
Cranberry Township, PA 16066.

Application Received January 8, 2002  
Date

Description of Action Construction of an elevated 1.0 million gallon finished water tank.

#### WATER ALLOCATIONS

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

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

**WA63-564A**, Water Allocations, **Tri-County Joint Municipal Authority**, P. O. Box 758, Frederickstown, PA 15333, **Washington County**. Resubmittal—Requesting an increase in service territory. The current allocation is 3 million gpd from the Monongahela River. No increase in allocation is requested.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified.

During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan.

Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional

Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Modern Dry Cleaners**, Chambersburg Borough, **Franklin County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 (on behalf of Emory Becker, Modern Dry Cleaners, 130 Lincoln Highway West, Chambersburg, PA 17201) has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Site Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the Hagerstown, MD *Herald Mail* on January 4, 2002.

**Wawa Reading, Store No. 153**, City of Reading, **Berks County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 (on behalf of Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19065) has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the Reading *Eagle/Times* on November 1, 2001.

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

**Eckerd Drug**, Loyalsock Township, **Lycoming County**. Civil & Environmental Consultants, Inc., on behalf of Loyal Plaza Venture, L.P., 20 South Third Street, Columbus, OH 43215 has submitted a Notice of Intent to Remediate soil, groundwater and surface water contaminated with lead, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on December 10, 2001.

**Harbison Walker Refractories**, Clearfield Borough, **Clearfield County**. BL Companies on behalf of Clearfield County Economic Development Corporation, 309 East Locust Street, Clearfield, PA 16830, has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Progress* on November 30, 2001. See other notice in this *Pennsylvania Bulletin*.

**Pennsylvania Air National Guard (former)**, College Township, **Centre County**. Pennsylvania Air National Guard, 62 Olmsted Boulevard, Middletown, PA 17057 has submitted a Notice of Intent to remediate soil contaminated with arsenic. The applicant proposes to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Centre Daily Times* December 4, 2001. See other notice in this *Pennsylvania Bulletin*.

## HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**PAD002312791. Sunoco Inc.**, Margaret and Bermuda Streets, Philadelphia, PA 19137, City and **County of Philadelphia**. Modification application to include two existing industrial boilers operating under interim status at Sunoco's Frankford Plant as permitted BIF units. Application received by the Southeast Regional Office on January 14, 2002.

### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

#### Applications for Determination of Applicability Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Application No. WMGR038NC007. Lycoming County Commissioners**, Brady Township, **Lycoming County**. Storage of Waste Tires for Beneficial Use. The application for determination of applicability was received by the Williamsport Regional Office on December 21, 2001.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR002D006. WeCare Organics, LLC**, 9289 Bonta Bridge Road, Jordan, NY 13080. Beneficial use of wastewater treatment sludge generated by paper mills for use as a soil additive to: establish or reestablish agricultural productivity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The application for determination of applicability was accepted by the Division of Municipal and Residual Waste on January 14, 2002.

Persons interested in obtaining more information about the general permit application may contact Ronald Hasinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Bldg., P. O. Box 8472, Harrisburg, PA 17105-

8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101— 6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101427. Pine Grove Landfill, Inc.,** P.O. Box 307, Pine Grove, PA 17963. An application for a Radiation Protection Plan to be initiated at this municipal waste landfill located in Pine Grove Township, **Schuylkill County**. The application was received in the Regional Office on December 20, 2001, and was deemed administratively complete as of December 31, 2001.

**Permit Application No. 100020. IESI PA Bethlehem Landfill Corporation,** 2335 Applebutter Road, Bethlehem, PA 18015-6004. An application for a Radiation Protection Plan to be initiated at this municipal waste landfill located in Lower Saucon Township, **Northampton County**. The application was received in the Regional Office on December 20, 2001, and was deemed administratively complete as of December 31, 2001.

**Permit Application No. 100265. Grand Central Sanitary Landfill, Inc.,** 1963 Pen Argyl Road, Pen Argyl, PA 18072. An application for a Radiation Protection Plan, a Meteorological Monitoring Plan, a new above ground leachate storage tank and Form R revisions for this municipal waste landfill located in Plainfield Township, **Northampton County**. The application was received in the Regional Office on December 21, 2001 and was deemed administratively complete as of January 11, 2002.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 301261. US Liquids of Pennsylvania, Inc. d/b/a US Liquids,** 199 Clyde Street, Ellwood City, PA 16117. Ellwood City Borough, **Lawrence County**. The application seeks the Department's approval to implement the facility's Radiation Protection Plan. The application was received by the Northwest Regional Office on January 14, 2002.

Comments concerning the application should be directed to A. Patrick Boyle, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**AIR QUALITY**

**NOTICE OF 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. Any 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: James Parette, New Source Review Chief, (570) 826-2531.*

**48-309-117: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air clean-

ing device to Clinker Silo 524 in Lower Nazareth Township, **Northampton County**.

**48-309-118: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for the major modification of the cement production facility and air cleaning devices at the Nazareth Cement Manufacturing Complex in Upper and Lower Nazareth Townships and the Borough of Nazareth, **Northampton County**.

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

**17-00001A: Reliant Energy Mid-Atlantic Power Holdings, LLC** (1001 Broad Street, Johnstown, PA 15907-1050) for modification of an ash disposal facility at the Shawville Electric Generating Station in Bradford Township, **Clearfield County**.

**17-305-042B: DTE River Hill, L.L.C.** (414 South Main Street, Ann Arbor, MI 48104), owner and Covol Fuels, Division of Headwaters, Inc. (11778 South Election Drive, Suite 210, Draper, UT 84020), operator, for modification of a coal fines agglomeration facility and associated air cleaning devices (two fabric collectors) by increasing the plant's throughput from 613,000 tons per year to 1.752 million tons per year in Karthaus Township, **Clearfield County**. A cage mill crusher incorporated in this plant is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**11-00500A: Allegheny Environmental Solutions Inc.** (938 Mine Road, P. O. Box 175, Northern Cambria, PA 15714) for installation and operation of incinerator at Northern Cambria Facility in Susquehanna Township, **Cambria County**.

**03-00229A: Rosebud Mining Co.** (R. D. 39 Box 379A, Kittanning, PA 16201) for installation of coal stock piling and screening operation at Logansport Mine in Bethel Township, **Armstrong County**.

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

**42-198A: Elkhorn Field Services—Kane Plant** (US Highway 6, Kane, PA 16701) for construction of natural gas compression and processing facility (12 mmscfd) in Kane, **McKean County**. The facility will construct two compressors (800 HP), a hot oil heater and a glycol unit. The facility is subject to the Federal New Source Performance Standard 40 CFR Part 60, Subpart KKK.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**01163: Philadelphia International Airport** (Philadelphia, PA 19153) for permitting 35 heating units for various applications in the City of Philadelphia, **Philadelphia County**.

**01168: National Publishing Co.** (1311 Roosevelt Boulevard, Philadelphia, PA 19154) for permitting a heatset web offset lithographic printing press in the City of Philadelphia, **Philadelphia 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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**48-313-089: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042-3186) for modification and operation of an iron oxide granulation system and associated air cleaning devices in Wilson Borough, **Northampton County**. The modification is for the installation of a micro mill and two filter/receivers for the iron oxide granulation system. The emissions from the micro mill will be controlled by the existing granulation system fabric collector; and the emissions from each filter/receiver will be controlled by its own fabric collector. The particulate emissions from each fabric collector will not exceed the Best Available Technology standard of 0.02 grain/DSCF. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00018. 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.

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

**07-310-025B: Grannas Bros. Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for installation of a limestone crushing unit at the existing limestone crushing and screening plant in Catharine Township, **Blair County**. The crusher will be controlled by wet suppression. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The potential emissions of particulate matter will increase by 170 lbs/yr. The facility currently operates with conditions that limit NOx emissions below major levels. These limitations will continue. The plan approval will include operations limitations, monitoring, recordkeeping and reporting requirements designed to ensure compliance with the applicable air quality requirements.

**21-05064B: Atlas Roofing Corp.** (802 Highway 19 North, Suite 190, Meridian, MS 39307) for installation of a regenerative thermal oxidizer to control volatile organic compound (VOC) emissions from the foam laminator operation at their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**. The company will limit the actual (total) facility VOC emissions to less than 50 tons per 12-month rolling total so as to maintain a synthetic minor status. The plan approval and operating permit shall contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05084A: Ephrata Community Hospital** (169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002) for installation of a wet scrubber to control emissions from a hazardous medical infectious waste incinerator at their facility located in Ephrata Borough, **Lancaster County**. The source is subject to 40 CFR 60.30e—60.39e, Standards of Performance for New Stationary Sources. The

company will need to meet the emission limits found in NSPS, Subpart Ce, Table 1 for "medium" HMIWIs. This table list emission standards for PM, CO, dioxin/furan, HCl, SO<sub>2</sub>, NO<sub>x</sub>, lead, cadmium and mercury. The site specific performance testing is required as per 40 CFR 60.37e. The wet scrubber installation will ensure that the hydrogen chloride emissions are less than 100 parts per million by volume (or 93% reduction). The Plan Approval and Operating Permit shall contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**67-03028A: Dentsply International Trubyte Division** (570 West College Avenue, P. O. Box 872, York, PA 17405-0872) for construction of a new multi-stage mist eliminator for the hard chromium electroplating unit at the facility in the City of York, **York County**. The facility is a non-Title V (State only) facility. The facility is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. It is expected that this project will not increase emissions into the outdoor atmosphere. The plan approval will include conditions designed to keep the project in compliance with all applicable air quality requirements.

**67-05066A: Surtech Industries, Inc.** (125 Derry Court, York, PA 17402) for relocation of its industrial manufacturing facility in the City of York, **York County**. This surface coating facility is a non-Title V State Only facility. This relocation will result in an estimated 2.15 tpy of Volatile Organic Compound (VOC) emissions and 1.34 tpy of Hazardous Air Pollutants emitted from the surface coating portion. There will be less than 1 tpy of Nitrogen Oxides, Carbon Monoxide, Particulate Matter and VOCs emitted from the burn off ovens. Section 129.52 of 25 Pa. Code becomes applicable if Surtech Industries, Inc. exceeds 2.7 tpy of VOCs in the surface coating operation. Standard monitoring, recordkeeping and operating restrictions are also included to keep the facility operating within applicable requirements.

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

**12-399-017: Pennsylvania Sintered Metals, Inc., d/b/a Bronco Powder Products** (116 West Second Street, P. O. Box 308, Emporium, PA 15834) for construction of a powdered metal parts sintering furnace in Emporium Borough, **Cameron County**. The air contaminant emissions from the sintering furnace will be controlled by an in-stack afterburner.

The sintering furnace, which is currently operating at a different location under Operating Permit 12-399-004C, will be used to sinter various aluminum and iron parts. The powdered aluminum and iron used in the parts processed through the furnace will have a lubricant content of 1.5 and 0.75% by weight, respectively. The furnace will emit up to 0.66 ton of particulate matter per year.

The Department has determined that the proposed sintering furnace and associated in-stack afterburner will comply 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 plan approval for the construction of the respective sintering furnace.

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

1. The air contaminants from the sintering furnace shall be controlled by an instack afterburner which is to be maintained at a minimum temperature of 1,500°F at all times when the sintering furnace is in operation.

2. The particulate matter emissions in the exhaust of the each of the sintering furnace stacks shall not exceed 0.02 grain per dry standard cubic foot.

3. The lubricant content of the aluminum and iron powdered metals to be processed shall not exceed 1.5 and 0.75% by weight, respectively. The metal powders shall not contain any zinc stearate, lithium stearate or any other metal-bearing lubricant.

4. The opacity from the sintering furnace stacks shall not exceed 10% at any time.

5. The sintering furnace stacks shall not be cleaned using high temperature burnout procedures.

**17-309-024: Mt. Savage Specialty Refractories Co.** (P. O. Box 60, Curwensville, PA 16833) for reactivation of existing refractories manufacturing equipment including an apron feeder, roll crusher, jaw crusher, transfer chute, natural gas-fired rotary dryer, 27 associated belt conveyors, elephant trunk, monolithics bins, 32 tippie bins, synton feeders, maximuller (crusher), material bucket elevator, material sizing screens, return chute to maximuller from screens, 44 sized material storage bins, two holding/additive hoppers, batch car/weigh lorry, three mixers, skip hoist, two weigh stations and supersack filling station and for the construction of new refractories manufacturing equipment including an additives conveyor, skip hoist, mixer, supersack filling station and bagging station at their Curwensville Facility in Pike Township, **Clearfield County**.

The particulate matter air contaminants emitted from the apron feeder, jaw crusher, roll crusher, transfer chute, rotary dryer and five associated conveyors will be controlled by an existing wet scrubber. The scrubber will be modified to incorporate a pumped recirculating scrubbing solution system. The particulate matter air contaminant emissions from the additional operations will be controlled by several existing fabric collectors. The proposed refractories manufacturing facility is expected to result in controlled emission rates of particulate matter of approximately 20.2 tons per year, of which 4.4 tons per year is expected to be PM-10. Emissions of other air contaminants, including hazardous air pollutants are expected to be minimal.

The Department has determined that the proposed refractories manufacturing facility 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 reactivation/construction of the respective refractories manufacturing facility.

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 particulate matter in the exhaust of the scrubber shall not exceed 0.02 grain per dry standard cubic foot.

2. The particulate matter in the exhaust of each fabric collector shall not exceed 0.01 grain per dry standard cubic foot. Additionally, there shall be no visible emissions from the exhaust of any fabric collector at any time.

3. There shall be no visible fugitive emissions from any portion of the refractories manufacturing facility other than what the Department determines to be of minor significance.

4. The permittee shall process in the refractories manufacturing facility only Mulcoa 47, Mulcoa 60, refractory brick bats or additives as identified in the application and supplemental materials submitted for plan approval.

5. The rotary dryer shall be fired only on natural gas.

6. The scrubber shall operate at a minimum scrubbing solution recirculation rate of 60 gallons per minute and at a minimum differential pressure of 12.0 inches of water.

7. The scrubber shall be equipped with instrumentation to monitor the differential pressure across the scrubber on a continuous basis and flow monitoring equipment capable of measuring the scrubbing solution recirculating flow rate on a continuous basis. Each fabric collector shall be equipped with a manometer or gauge capable of measuring the differential pressure across the collector on a continuous basis.

8. Under no circumstances shall the scrubber be used to simultaneously control: 1) the apron feeder, jaw crusher, roll crusher, transfer chute and five associated conveyors; and 2) the rotary dryer.

9. The scrubber shall be drained and cleaned at the end of each 5 day work week.

10. The permittee shall inspect each fabric collector at least once every 3 months for damaged or worn bags.

11. The permittee shall conduct stack testing on the exhaust of the scrubber in accordance with 25 Pa. Code Chapter 139 to determine compliance with the particulate matter emission limit. The permittee shall also conduct opacity observations in accordance with Federal Reference Method 9 during all test runs.

**49-00001A: Foster Wheeler Mt. Carmel, Inc.** (Marion Heights Road, Marion Heights, PA 17832) for construction of a culm processing plant and associated air cleaning devices (eight fabric collectors) at their facility in Mt. Carmel Township, **Northumberland County**.

Foster Wheeler Mt. Carmel is a major facility for which a Title V Operating Permit (49-00001) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that the previous source will have the potential to emit up to 7.96 tons of particulate matter per year. However, construction of the previous source will not increase the emission of any air contaminant above the level currently authorized for the facility, as its operation will replace the operation of an existing culm processing plant. Nevertheless, the existing plant will remain on site as a back up to the proposed plant.

A preliminary review of the information submitted by the applicant indicates that the proposed culm processing plant will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12 and Subpart Y of the

Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254. Based on this finding, the Department proposes to approve the application and issue a plan approval.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- The particulate matter concentration of the exhaust from each of the fabric collectors associated with the culm processing plant shall not exceed 0.01 grain per dry standard cubic foot.

- The total combined particulate matter emissions from the culm processing plant shall not exceed 1.82 pounds per hour and 7.96 tons per year.

- The exhaust of each fabric collector shall not have any visible emissions.

- The proposed culm processing plant shall never operate simultaneously with the existing culm processing plant.

- All conveyors incorporated in the culm processing plant, with the exception of conveyor CR-615, shall be equipped with a 3/4 cover. Additionally, all transfer points shall be equipped with "head box" type enclosures and both of the plant's screens shall be equipped with covers.

- The HSI crusher, the VSI crusher and the two screens incorporated in the culm processing plant, as well as conveyors CR-605, CR-608, CR-609 and CR-610, shall all be enclosed within a permanent structure or building.

- The company shall maintain an adequate supply of spare collector bags onsite in order to replace any bags that may require replacement due to deterioration resulting from routine operation or from any other malfunction that may cause bag damage.

- All compressed air systems associated with the fabric collectors shall be equipped with air dryers and oil traps.

- Each of the fabric collectors shall be equipped with instrumentation to continuously monitor the collector's differential pressure.

- The culm processing plant shall never be operated without the simultaneous operation of all air pollution control devices or without all conveyors (with the exception of conveyor CR-615), transfer points and screens being properly enclosed.

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

**24-0120B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) for construction of two new production engines rated at 1,775 HP each (equipped with Low Emission Combustion controls) at the Ardell Station in Benetzette Township, **Elk County**. The facility had previously been permitted to install two new engines rated at 2,225 HP, but after conducting a reassessment of the horsepower needs, indicated smaller engines would provide sufficient horsepower. The changes/additions will result in a decrease of 73.9 TPY of Potential NOx emissions, an increase of 49.2 TPY of potential CO emissions, an increase of 2.1 TPY, 2.0 TPY and 0.1 TPY of Potential VOC, PM-10 and SO<sub>2</sub> emissions, respectively. The use of LEC for the two engines is considered BAT. The Turbine is subject to Subpart GG of the NSPS standards of 40 CFR Part 60. The plan approval includes conditions limiting the emissions from the turbine and the two engines. In addition, the two production engines will be stack tested initially and on a semiannual basis to

determine the emissions of NO<sub>x</sub>, CO and VOC. The permit contains limitations pertaining to fugitive, odor, visible particulate and sulfur emissions. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility was issued a Title V Operating Permit No. 24-00120 on October 2, 1997. 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.

**61-199 ERC: Pennzoil-Quaker State Co.** (700 Milam, P. O. Box 2967, Houston, TX 77252-2967) for an Air Quality Emission Reduction Credit Approval for 18.29 tons of NO<sub>x</sub>, 45.03 tons of VOC, 15.43 tons of CO and 5.01 tons of SO<sub>x</sub> emission reduction credits from the shutdown of sources from the Rouseville Refinery in Rouseville, **Venango County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**01154: Sun Chemical GPI** (3301 Hunting Park Avenue, Philadelphia, PA 19132) for installation of four air operated drum mixers and four air operated pail mixers in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. Sun Chemical will cut operation of the ink makers from two shifts to one. There will be no increase in emissions due to these additions. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**01156: Qwest Communication Corp.** (2400 Market Place, #19, Philadelphia, PA 19104) for permitting a 1,500 kW Cummins/Onan Diesel fired emergency generator in the City of Philadelphia, **Philadelphia County**. This is a natural minor facility. The nitrogen oxide emission from the generator will be 12.1 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

**45-315-004: Rock Tenn Co.** (P. O. Box 770, Delaware Water Gap, PA 18327) for operation of a polymer make-down system and chemical additive delivery system in Smithfield Township, **Monroe County**.

**48-318-129B: C F Martin and Co., Inc.** (510 Sycamore Street, Nazareth, PA 18064) for operation of a coating operation and associated air cleaning device in Upper Nazareth Township, **Northampton County**.

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

**14-309-044: Gensimore Trucking, Inc.** (P. O. Box 5210, Bellefonte, PA 16823) for operation of a bulk cement blending facility and associated air cleaning devices (two fabric collectors) in Spring Township, **Centre County**.

The bulk cement blending facility consists of various storage silos, hoppers, bucket elevators, baggers, tank truck loading stations and the like. The fugitive particu-

late emissions generated by the use of this equipment are controlled by two fabric collectors. The particulate matter emissions from these collectors will be no greater than 2.57 pounds per hour.

The Department has determined that the bulk cement blending facility has been constructed and is operating, in conformance with all conditions of Plan Approval 14-309-044 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 bulk cement blending facility.

The Department intends to place conditions in the operating permit to be issued which are intended to ensure continued compliance with all applicable requirements. The following is a summary of these conditions:

1. The first blending line shall unload no more than one truck and one railcar simultaneously. The second blending line shall unload no more than two trucks simultaneously.
2. The only trucks which shall be loaded at this facility shall be tank trucks.
3. At no time shall any of the equipment controlled by a fabric collector be in operation at any time the fabric collector is in a bag shaking cycle.
4. Spare fabric collector bags shall be kept on hand.
5. The fabric collectors shall be equipped with instrumentation to monitor differential pressure.

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

**04-00704: Buckeye Pipe Line Co., L.P.** (P. O. Box 368 Emmaus, PA 18049-0368) for a gasoline distributor in Midland Borough, **Beaver County**.

**04-00710: Cronimet Corp.** (417 Railroad Street, East Rochester, PA 15074) for a dust collector in East Rochester Borough, **Beaver County**.

**65-00919: Angleo Iafate Construction** (P. O. Box 259, 108B Main Street, New Stanton, PA 15672) for a crusher and asphalt plant in Mt. Pleasant Borough, **Westmoreland County**.

**04-00006: Brighton Steel Inc.** (510 45th Street, Beaver Falls, PA 15010) for a Steel Foundry in Beaver Falls, **Beaver County**.

**11-00433: GapVax, Inc.** (575 Central Avenue, Johnstown, PA 15902) for a paint booth in Johnstown, **Cambria County**.

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

**95-054: Amerada Hess Corp.** (1630 South 51st Street, Philadelphia, PA 19143) for operation of a gasoline terminal in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three gasoline storage tanks, 11 distillate and additive storage tanks, a gasoline loading rack with a vapor recovery unit, a distillate and residual oil loading rack and marine loading of distillate and residual oil.

AMS intends to reissue the synthetic minor operating permit originally issued on June 15, 1998, to modify the monitoring method for the loading rack vapor recovery

unit from weekly checks with a portable analyzer to the use of a continuous emissions monitor. AMS also intends a minor modification of the operating permit per 25 Pa. Code § 127.462 to allow the following increases in throughputs: adding marine loading of 42 million gallons per rolling 12-month period (gpy) of distillate and residual fuel oil (increases VOC emissions by 0.25 ton per rolling 12-month period (tpy)); increasing the gasoline loading rack throughput from 110 million gpy to 123 million gpy (increases VOC emissions by 0.98 tpy); and increasing the distillate and residual oil loading rack throughput from 110 million gpy to 152 million gpy (increases VOC emissions by 0.51 tpy). After these increases (1.74 tpy VOC total), the facility's potential VOC emissions remain less than 25 tpy. AMS also intends to administratively amend the operating permit as per 25 Pa. Code § 127.450 to update contact information.

The operating permit will be revised under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII.

### MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

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

compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

#### Coal Applications Received

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

**17970119 and NPDES Permit No. PA 0237876. Johnson Brothers Coal Company**, R. D. 1, Box 580, Mahaffey, PA 15757. Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc., located in Gulich Township, **Clearfield County** affecting 52.7 acres. Receiving streams: Muddy Run. Application received: December 21, 2001.

**17860122 and NPDES Permit No. PA 0115410. Laurel Energy, L.P.**, One Energy Place, Suite 7500, Latrobe, PA 15650. Transfer from Al Hamilton Contracting Company and renewal of an existing bituminous surface mine-auger-coal preparation plant permit located in Lawrence Township, **Clearfield County** affecting 490.4 acres. Receiving streams: unnamed tributaries of Wallace Run to Little Clearfield Creek to Clearfield Creek to West Branch Susquehanna River. Application received: December 26, 2001.

**17910125 and NPDES Permit No. PA 0206733. Laurel Energy, L.P.**, One Energy Place, Suite 7500, Latrobe, PA 15650. Transfer from Al Hamilton Contracting Company and renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 78 acres. Receiving streams: unnamed tributaries of Wallace Run and Wallace Run to Clearfield Creek. Application received: December 26, 2001.

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

**26920105. Twilight Industries** (Division of US Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012-1158). Renewal application received for reclamation only of a bituminous surface mine located in Jefferson Township, **Fayette County**, affecting 157 acres. Receiving streams: unnamed tributaries to Washington Run and to Little Redstone Creek, classified for the following use: warm water fishery. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 15, 2002.

**65970103. Derry Stone and Lime Co., Inc.** (R. R. 5, Box 34, Latrobe, PA 15650). Revision application to add acres for a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 105 acres.



Receiving stream: unnamed tributary to Stoney Run, classified for the following use: cold water fishery. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: January 18, 2002.

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

**56020101 and NPDES Permit No. PA0249122. Dunamis Resources, Inc.,** One Energy Place, Suite 4000, Latrobe, PA 15650. Commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Jenner Township, **Somerset County**, affecting 56.6 acres. Receiving streams: unnamed tributary to and Roaring Run classified for the following uses: Cold Water Fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir (Cambria-Somerset Authority). Application received: January 2, 2002.

**56703107 and NPDES Permit No. PA0605956. Hoffman Mining, Inc.,** P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit Revision for a stream variance for the purpose of construction of erosion and sedimentation facilities and a stream crossing on unnamed tributary "A" of Kaufman Run and a small side flow "Z" of the unnamed tributary "A." The encroachment areas begins approximately 40 feet above the junction of S.R. 0601 and the unnamed tributary "A" and continues upstream approximately 600 feet. The encroachment area on flow "Z" starts 25 feet above its juncture with the unnamed tributary "A" and continues upstream 330 feet. Permit Revision for a road variance to conduct surface mining activities within 100 feet of S.R. 0601, beginning at a point 3,900 feet northeast of the intersection of S.R. 0601 and S.R. 4039 then continuing along the south side of S.R. 0601 approximately 2,900 feet in Paint Township, **Somerset County**, affecting 863.0 acres. Receiving streams: unnamed tributary to Paint Creek; to Kaufman Run; to unnamed tributaries to Kaufman Run; to Stony Creek; and to Shade Creek classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 8, 2002.

**32970103 and NPDES Permit No. PA0234371. Kent Coal Mining Company,** 400 Overview Drive, P. O. Box 219, Shelocta, PA 15774. Permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Young Township, **Indiana County**, affecting 113.0 acres. Receiving streams: Marshall Run and unnamed tributaries to Marshall Run classified for the following uses: Cold Water Fishery. The first downstream potable water supply intake from the point of discharge is Avonmore Public Water Supply. Application received: January 9, 2002.

**11970101 and NPDES Permit No. PA0234389. E. P. Bender Coal Company, Inc.,** P. O. Box 594, Carrolltown, PA 15722. Permit renewal for continued operation of a bituminous surface mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 93.0 acres. Receiving streams: Powell Run classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 15, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**32011302. NPDES Permit No. N/A, Laurel Energy, L.P.** (One Energy Place, Suite 7500, Latrobe, PA 15650), to operate the Gillhouser Run Mine in Buffington and Brush Valley Townships, **Indiana County**, new underground mine permit and related NPDES permit, Surface Acres Proposed 43.0, Underground Acres Proposed 1880, SCP Acres Proposed 1360, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Little Yellow Creek, classified for the following uses: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority. Application received: November 15, 2001.

**56831601. NPDES Permit No. 0213497, Reitz Coal Co.** (509 15th St., Windber, PA 15963-1603), to renew the permit for the Reitz No. 11 Coal Preparation Plant in Shade Township, **Somerset County**, 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 the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received: January 7, 2002.

#### *Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-6494.*

**0302C4. Bedrock Quarries, Inc.** (P. O. Box 189, Damascus, PA 18415), incidental boundary correction to an existing quarry operation to add 4.4 acres for a total of 102.4 acres, receiving stream—unnamed tributary of North Branch Calkins Creek. Application received: January 14, 2002.

**15810401T. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), transfer of an existing quarry operation from Welsh Mountain Building Stone, Inc. in Honey Brook Township, **Chester County** affecting 106.0 acres, receiving stream—none. Application received: January 14, 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.*

**E40-569. City of Nanticoke**, 15 East Ridge Street, Nanticoke, PA 18634, in City of Nanticoke, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure (known as the Union Street Bridge) and to construct and maintain a road crossing of South Branch Newport Creek (locally known as Forge Creek) (CWF), consisting of a 24.0-foot by 6.0-foot reinforced concrete box culvert with its invert depressed 2.5 feet below stream bed elevation. A temporary stream diversion, utilizing 348-inch culverts, is proposed. The project is located on West Union Street, approximately 850 feet upstream of Main Street (S.R. 3001). (Nanticoke, PA Quadrangle N: 12.6 inches; W: 1.5 inches).

**E40-585. PPL Utilities, GENN-4**, Two North Ninth Street, Allentown, PA 18101-1179, in Rice and Wright Townships, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain four road crossings of wetlands (three permanent and one temporary), within the drainage basin of Big Wapwallopen Creek, for the purpose of maintaining an existing electric transmission line known as the Harwood-Jenkins 69kV line. The project will permanently impact approximately 0.48 acre (approximately 1,300 linear feet) of wetlands and will temporarily impact approximately 0.09 acre (230 linear feet) of wetlands. The applicant proposes to participate in the Pennsylvania Wetland Replacement Project in lieu of replacing wetlands on site. The project extends northeasterly from a point located along the north side of Nuangola Road (S.R. 2042), approximately 0.5 mile west of the intersection of S.R. 2042 and S.R. 2045. (Wilkes-Barre West, Quadrangle N: 8.0 inches; W: 3.6 inches).

**E45-422. Monroe County**, One Quaker Plaza, Stroudsburg, PA 18360-2192, in Hamilton Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain County Bridge No. 12 across Lake Creek (HQ-CWF) to improve the structural integrity and safety of the bridge. The bridge is located along Township Road

T237, approximately 0.4 mile upstream of S.R. 0209. (Saylorsburg, Quadrangle N: 8.0 inches; W: 7.7 inches).

**E45-423. Monroe County**, One Quaker Plaza, Stroudsburg, PA 18360-2192, in Hamilton Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain County Bridge No. 9 across McMichael Creek (HQ-CWF) to improve the structural integrity and safety of the bridge. The bridge is located along Township Road T233, approximately 0.2 mile south of T234. (Saylorsburg, Quadrangle N: 12.3 inches; W: 7.3 inches).

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

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

**E54-291. Samuel S. and Connie Strauss**, 3 Mengle Road, Pottsville, PA 17901-8864, in Washington Township, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a bridge having a single span of 55.5 feet and an underclearance of approximately 10.3 feet across Lower Little Swatara Creek (CWF) for the private access to a single family home. The project is located approximately 1,200 feet west of the intersection of S.R. 0895 and S.R. 3009 (Swatara Hill, PA Quadrangle N: 8.8 inches; W: 5.6 inches).

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

**E05-298. Keith S. Van Horn**, 1020 Wertz Road, Bedford, PA 15522 in Colerain Township, **Bedford County**, ACOE Baltimore District.

To maintain a bridge having a span of 25 feet and an underclearance of 6.5 feet across the channel of Cove Creek (EV) at a point at Wertz Road (Beans Cove, PA Quadrangle N: 22.4 inches; W: 8.2 inches) in Colerain Township, Bedford County.

**E21-334. Mark Burkhead, PennDOT 8-0**, 2140 Herr Street, Harrisburg, PA 17103.

To construct and maintain the lengthening of an existing 72-inch diameter, 63-foot long reinforced concrete culvert by extending the culvert 10 feet on the west side and 17 feet on the east side for the purpose of conveying surface water flow to Letort Spring Run (EV) under the roadway of SR 0034, Segment 230 Offset 3625 located about 0.6 mile south of the Route 34 interchange exit of US Interstate 81 (Carlisle, PA Quadrangle N: 10.7 inches; W: 9.2 inches) in Carlisle Borough, **Cumberland County**.

**E21-335. Robert Gill, East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing crossing and to construct and maintain a reinforced concrete box culvert having a clear

span of 14-feet and a rise of 5-feet, along with gabion walls at both upstream and downstream ends of the culvert in an unnamed tributary to the Conodoquinet Creek (WWF), locally known as Possum Hollow Creek, located on Magaro Road (T-625) about 0.3 mile upstream of the confluence of Possum Hollow Creek and the Conodoquinet Creek (Harrisburg West, PA Quadrangle N: 5.2 inches; W: 8.1 inches) in East Pennsboro Township, Cumberland County.

**E28-295. John Fred Stenger**, 99 Limekiln Drive, Chambersburg, PA 17201 in Chambersburg Borough, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 4-inch outfall structure to provide a stable discharge point for root/foundation drainage and regrade the stream embankment to create a mowable/maintainable slope for the property owner along Falling Spring Creek (TSF) (Chambersburg, PA Quadrangle N: 10.5 inches; W: 2.3 inches) in Chambersburg Borough, Franklin County.

**E36-723. Nancy Hallwell, Rapho Township**, 971 N. Colebrook Road, Manheim, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove a deteriorating concrete bridge and construct and maintain a timber bridge over Little Chickies Creek (TSF) at a point along Camp Road approximately 2 miles from the intersection of Camp Road and Pinch Road (Manheim, PA Quadrangle N: 17.25 inches; W: 12.5 inches) in Rapho Township, Lancaster County.

**E50-203. Leo A. Williams**, 954 Fox Hollow Road, Shermans Dale, PA 17090 in Carroll Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a single span bridge having a clear span of 13.9 feet and an underclearance of 3.5 feet across an unnamed tributary to Shermans Creek (WWF) and to authorize previously placed fill in associated wetlands for the purpose of accessing private property located along the south side of Fox Hollow Road (T-303) about 3.1 miles west of its intersection with SR 0034 (Shermans Dale, PA Quadrangle N: 8.8 inches; W: 11.9 inches) in Carroll Township, Perry County.

**E67-714. Phil Bowers, Kreutz Creek Preservation Society**, 5345 Lincoln Highway, Hellam, PA 17406 in Hellam Township, **York County**, ACOE Baltimore District.

To construct and maintain several stream enhancement structures such as rock vanes and boulder bank stabilization along Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 19.85 inches; W: 14.3 inches) in Hellam Township, **York County**.

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

**E17-364. Pennsylvania Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830, SR 4003-Section 000 Box Culvert, in Brady Township, **Clearfield County**, ACOE Pittsburgh District (DuBois, PA Quadrangle N: 10.6 inches; W: 5.0 inches).

To remove an existing structure and construct, operate and maintain a reinforced concrete box culvert to carry SR 4003, Section 000 across an unnamed tributary to Limestone Run (Cold Water Fishery). The precast concrete box culvert shall have a minimum span of 16-feet, rise of 5-feet and depressed 1-0 foot. The project will permanently impact 0.05-acre of wetland and 30-feet of

waterway. The project is located along the eastern right-of-way of SR 0119 approximately 1.2-miles east of SR 4003 and SR 0119 intersection. The 0.05-acre of wetland permanently impacted by the project is de minimis and the permittee will not be required to mitigate the impacts with replacement wetlands.

**E53-367. Michael and Michelle Filer**, HCR 1, Box 170, Shinglehouse, PA 16748. Filer Bridge—Elevenmile Creek, in Oswayo Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 15.0 inches; W: 5.5 inches).

To operate and maintain a single span bridge across Elevenmile Creek (High Quality-Cold Water Fishery) for access to private property. The bridge shall be operated and maintained with a minimum span of 14-feet, width of 12-feet and underclearance of 4-feet. Bridge construction also included concrete block abutments and wingwalls. All future work shall be conducted at stream low flow. All in-stream channel abutment and wingwall repair work shall be completed in dry work conditions by dam and pumping or fluming stream flow around the work area. The bridge construction did not impact wetlands while impacting 30-feet of Elevenmile Creek. The project is located along the southern right-of-way of SR 4023 approximately 1,000-feet south of T-380 and SR 4023 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary stream diversions and cofferdams for in-stream abutment and wingwall repair. Upon completion of repair work, all temporary structures shall be removed, the stream bank restored to original contours and elevations and all final stabilization applied.

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

**E04-280. Ohioville Borough**, 6268 Tuscarawas Road, Industry, PA 15052-1924. Ohioville Borough, **Beaver County**, ACOE Pittsburgh District.

To construct and maintain a conspan bridge having a span of 14' and underclearance of 6.5' and to construct and maintain a 24' outfall structure to the South Branch Brady Run (TSF). The project is located along Brady Run Road approximately 300 feet north of its intersection with Lisbon Road (Midland, PA Quadrangle N: 15.2 inches; W: 8.0 inches).

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

**E10-350, Indspec Chemical Corporation**, 133 Main Street, P. O. Box 307, Petrolia, PA 16050, North Bridge Widening, in Petrolia Borough, **Butler County**, ACOE Pittsburgh District (Petrolia, PA Quadrangle N: 3.7 inches; W: 12.6 inches).

Project will widen by 12 feet the existing North Bridge Structure that spans South Branch Bear Creek (WWF). The project will improve the existing alignment and reduce risk to vehicular traffic between various components of the Indspec industrial complex. The project is located in the Borough of Petrolia, Butler County and will impact approximately 0.01 acre.

**E20-512, Marianne Cerula**, 1125 Broughton Road, Pittsburgh, PA 15236, Dock Renovation and Extension at Lake Canadohta, in Bloomfield Township, **Crawford County**, ACOE Pittsburgh District (Lake Canadohta, PA Quadrangle N: 10.6 inches; W: 11.75 inches).

The project involves the renovation of an existing 40-foot private dock, located on Lake Canadohta (CWF), by replacing the boards on the walkway using the

existing supports and the construction of a new 8-foot section to include support, frame and walkway. In addition to the renovation, a 48-foot seasonal floating dock extension will be added at the end of the 8-foot new construction. The total length of the permanent dock and floating dock will equal 96-feet. The total acreage of the project is .119 acre.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D46-054EA. Albert Herrmann**, Collegeville Borough, 491 East Main Street, Collegeville, PA 19426. Collegeville Borough and Lower Providence Township, **Montgomery County**, ACOE Philadelphia District.

To breach and remove the Collegeville Dam across Perkiomen Creek (WWF, MF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,500 feet north of the Perkiomen Bridge (S.R. 422) (Collegeville, PA Quadrangle N: 11.9 inches; W: 10.4 inches).

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### ACTIONS

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

Persons aggrieved by this 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, 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 receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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 decisional law.

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

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

**WQM Permit No. 2301411**, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity Construction and operation of the sewer collection system, pump station and force main to serve Newtown Heights.

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

**NPDES Permit No. PA-0064122**, Industrial Waste, **Conectiv Mid-Merit, Inc.**, P. O. Box 6066, Newark, DE 19714-6066. This proposed facility is located in City of Bethlehem, **Northampton County**.

Description of Proposed Action/Activity: to discharge noncontact cooling water to Lehigh River.

**WQM Permit No. 4001403**, Sewerage, **Municipal Authority of Hazle Township**, P. O. Box 502, Harleigh, PA 18225. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Construction of a new wastewater collection and conveyance system to serve limited specific portions of Northeast Area of Hazle Township.

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

**NPDES Permit No. PA0088579**, Sewage **Felton Borough (Felton Borough WWTP)**, 88 Main Street, Felton, PA 17322. This proposed facility is located in Felton Borough, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to North Branch Muddy Creek in Watershed 7-I (Kreutz—Muddy Creeks).

**WQM Permit No. 6700417**, Sewerage, **Felton Borough**, 88 Main Street, Felton, PA 17322. This proposed facility is located in Felton Borough, **York County**.

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

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

**WQM Permit No. 2501426**, Sewerage, **Thomas J. Steele**, 1013 Broad Street, Conneaut, OH 44030. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence.

#### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the

Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-D121	Jonathan Brown 10305 Southwest No. 58 Avenue Coral Gables, FL 33156	Bucks	Solebury Township	UNT to Cuttalossa Creek (HQ-CWF)
PAS10-D122	Zaveta Construction Company, Inc. 4030 Sky Run, Suite H Doylestown, PA 18901	Bucks	Solebury Township	Paunnacussing Creek (HQ)
PAS10-G378	Lawrence Sager 43 High Street Pottstown, PA 19464	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)
PAS10-G444	West Vincent Associates 707 Eagleview Boulevard P. O. Box 362 Exton, PA 19341	Chester	West Vincent Township	Birch Run Creek (EV)

#### 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 this 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 approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<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>
South Coatesville Borough Chester County	PAR10G451	Branford Woods 242 Winged Foot Drive Blue Bell, PA 19422	UNT to West Branch Brandywine Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAR10G449	Red Lion Learning Center 403 East Conservancy Road Kennett Square, PA 19348	Pocopson Creek/East Branch Red Clay Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Caln Township Chester County	PAR10G455	West Caln Township P. O. Box 175 Wagontown, PA	Rock Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Sadsbury Township Chester County	PAR10G439	Sadsbury Associates P. O. Box 544 West Chester, PA 19381	Buck Run (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Chichester Township Delaware County	PAR10J218	Upper Chichester Township P. O. Box 2157 Boothwyn, PA 19061	Naamans Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Collegeville Borough Lower and Upper Perkiomen Townships Montgomery County	PAR10T794	County of Montgomery P. O. Box 311 Norristown, PA 19404	UNT of Doe Run and Norma Run	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAR10T730	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Schuylkill River (WF-M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T775	Limerick Partners, LLC 700 Universe Boulevard Juno Beach, FL 33408	Brook Evans Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T814	Irving Stein 497 East Lancaster Avenue Berwyn, PA 19312	West Branch Neshaminy Creek (WF, M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T796	Limerick Township MA P. O. Box 29 Royersford, PA 19468	Possum Hollow and Brooke Evans Watershed (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAR10T762	Plymouth Township 700 Belvoir Road Plymouth Meeting, PA 19462	Sawmill Run (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T737	Liberty Property Trust 125 Witmer Road Horsham, PA 19044	Tributary to Park Creek (WWF, M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
City of Philadelphia Philadelphia County	PAR105342	Fairmont Park Commission Memorial Hall—West Park P. O. Box 21601 Philadelphia, PA 19131	Schuylkill River Wissahickon, Pennypack and Cobbs Creeks (WWF, TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Greenwich Township Berks County	PAR10C398	Angelo Corrado 271 Berger Road Kutztown, PA 19530	UNT Maiden Creek TSF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Ontelaunee Township Berks County	PAR10C391	Linda King 425 Kindt Corner Road Shoemakersville, PA 19555	Lake Ontelaunee/Maiden Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Lincoln Township Huntingdon County	PAR103021	Juniata College Brumbaugh Science Center Huntingdon, PA 16652	Raystown Lake	Huntingdon County Conservation District R. R. 1 Box 7C Huntingdon, PA 16652 (814) 627-1627
College Township Centre County	PAR10F152	BXAL, Inc. 422 Allegheny St. Hollidaysburg, PA 16648	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Harris/Potter Townships Centre County	PAR10F155	Kissinger Bigatel & Brower 2300 S. Atherton St. State College, PA 16801	Cedar Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Muncy, Fairfield and Muncy Creek Townships Lycoming County	PAR103948	Lycoming County Water and Sewer Authority 216 Old Cement Rd. Montoursville, PA 17754	Turkey Run WWF Tules Run WWF Carpenters Run WWF Wolf Run CWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003

*General Permit Type—PAG-3*

<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>
York County York Township	PAR213539	Monarch Products Co., Inc. 385 Sipe Road York Haven, PA 17370	East Branch Codorus Creek/CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Silver Springs Township	PAR803513	Shaffer Trucking Inc. P. O. Box 418 New Kingstown, PA 17072	Hogestown Run/CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<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>
York County Fairview Township	PAR803616	FedEx Ground Lewisberry Facility Environmental Services Dept. P. O. Box 108 Pittsburgh, PA 15230-0108	Fishing Creek/TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bern Township	PAR233540	Saint Gobain Performance Plastics Corporation 1044 MacArthur Road Reading, PA 19605	Tulpehocken Creek/ WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams Township Butler County	PAR808316	Edward L. and Margaret J. Vogel Vogel Disposal Service P. O. Box 847 Mars, PA 16046-0847	Breakneck Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugarcreek Borough Venango County	PAR148304	Greif Brothers Corporation 425 Winter Road Delaware, OH 43015	Allegheny River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union City Erie County	PAR238317	Molded Fiber Glass Company/Union City 55 Fourth Avenue Union City, PA 16438	South Branch of French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR218312	Castle Builders Supply, Inc. 1409 Moravia Street New Castle, PA 16101	Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &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>
York County Hellam Township	PAG043570	Susquehanna Resources P. O. Box 3711 York, PA 17402-3711	Susquehanna River	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin Township Erie County	PAG048777	Thomas J. Steele 1013 Broad Street Conneaut, Ohio 44030	Unnamed tributary to Little Elk Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



*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>
Clinton Township Lycoming County	PAG084824	Montgomery SWA 35 S. Main St. Montgomery, PA 17752-0125	Harer Farm Clinton Township Lycoming County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 William Hanczar (570) 327-3655

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection (Department) 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 this 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days from the date of issue of 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 of 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 decisional law.

If persons wish to challenge this action, the appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, the document should be shown to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board (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.*

**Operations Permit** issued to: **Quakertown Borough**, P. O. Box 727, Quakertown, PA 18957, Quakertown Borough, **Bucks County** on January 2, 2002.

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

**Permit No. 4197501**, Public Water Supply.

Applicant	<b>Limestone Township Municipal Water Authority</b> 1408 Quarry Road Jersey Shore, PA 17740
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Township	Limestone Township
County	<b>Lycoming</b>
Type of Facility	Public Water Supply—permanent operational permit for an EPD filter plant, Intake Well, Filter Plant Well, 132,000 gallon finished water storage tank and related piping and appurtenances
Consulting Engineer	Richard W. Marcinkevage, P.E. 431 South Jones Street Lock Haven, PA 17745
Permit to Operate Issued	January 15, 2002

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

**Operations Permit** issued to: **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009, Vanport Township, **Beaver County** on December 11, 2001.

**Operations Permit** issued to: **Klingensmith's Drug Store**, P. O. Box 151, 401 Ford Street, Ford City, PA 16226, vended-by-rule permit Southwest Region on December 20, 2001.

**Permit No. 0287505-A3, Minor Amendment.** Public Water Supply.

Applicant	<b>Harmar Township Municipal Authority</b> 200 Pearl Avenue Cheswick, PA 15024
Borough or Township	Harmar Township
County	<b>Allegheny</b>
Type of Facility	Potassium permanganate feed system
Consulting Engineer	Gannett Fleming, Inc. 601 Holiday Drive Pittsburgh, PA 15220

Permit to Construct Issued January 16, 2002

**Permit No. 0201505, Minor Amendment.** Public Water Supply.

Applicant	<b>Municipal Authority of the Township of Robinson</b> P. O. Box 15539 Pittsburgh, PA 15244-0539
Borough or Township	Robinson Township
County	<b>Allegheny</b>

Type of Facility Potassium permanganate feed system  
 Consulting Engineer NIRA Consulting Engineers  
 950 Fifth Avenue  
 Coraopolis, PA 15108  
 Permit to Operate Issued December 20, 2001

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

**Permit No. 3791502-MA1, Minor Amendment.** Public Water Supply.

Applicant **Bessemer Borough**  
 201 1/2 East Poland Avenue  
 P. O. Box 789  
 Bessemer, PA 16112

Borough or Township Bessemer Borough

County **Lawrence**

Type of Facility PWS

Consulting Engineer Gannett Fleming Inc.  
 Foster Plaza 111, Suite 200  
 601 Holiday Drive  
 Pittsburgh, PA 15220

Permit to Construct Issued January 14, 2002

**Permit No. 1097503-MA1, Minor Amendment.** Public Water Supply.

Applicant **Concordia Lutheran Ministries**  
 134 Marwood Road  
 Cabot, PA 16023

Borough or Township Jefferson Township

County **Butler**

Type of Facility PWS

Consulting Engineer Gray-Warnick Engineering  
 662 West New Castle Road  
 Butler, PA 16001

Permit to Construct Issued January 17, 2002

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Earl Township	19 Schoolhouse Road Boyertown, PA 19512	Berks County

Plan Description: The approved plan provides for a proposed low pressure sewer line and individual grinder pumps to serve 150 existing residential homes in the Manatawny Creek area of Earl Township. The proposed sewer line will connect to an existing gravity sewer line owned by the Amity Township Sewer Authority with treatment to occur at the Amity Township Wastewater Treatment Plant. The Minor Act 537 revision Department number is A3-06931-079-3M. The Department's review of the sewage facilities update revision has not identified

any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location: 169 Ashwood Drive, Industry, PA 15052

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Ohioville Borough	6268 Tuscarawas Road Industry, PA 15052-1924	Beaver

Plan Description: The approved plan provides for construction of a small flow treatment facility to replace a malfunctioning onlot septic system serving a church. This will also allow for a small church expansion. The treated effluent will be discharged to an unnamed tributary to the South Branch of Brady's Run Creek which, in turn, discharges to the Beaver River. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Uniontown	c/o Grace Giachetti City Clerk City of Uniontown 20 North Gallatin Avenue Uniontown, PA 15401	Fayette

North Union Township	c/o Thomas Kumor Secretary 7 South Evans Station Road Lemont Furnace, PA 15456	Fayette
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South Union Township	c/o Robert Schiffbauer Secretary R. D. 2, Box 623 Uniontown, PA 15401	Fayette
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Plan Description: The approved plan provides for the expansion of the Uniontown Sewage Treatment Plant and the extension of sewage facilities to the sewage needs areas as identified in the plan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**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 (Depart-

ment) 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:

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

**Harbison Walker Refractories**, Clearfield Borough, **Clearfield County**. BL Companies, on behalf of Clearfield County Economic Development Corporation, 309 East Locust Street, Clearfield, PA 16830, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard. See additional notice in this *Pennsylvania Bulletin*.

**Pennsylvania Air National Guard (former)**, College Township, **Centre County**. Pennsylvania Air National Guard, 60 Olmsted Boulevard, Middletown, PA 17057 has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The Final Report is intended to document remediation of the site to meet the Background Standard. See additional notice in this *Pennsylvania Bulletin*.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial

investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Former Lawrenceville Exxon**, Lawrenceville Borough, **Tioga County**. Bradley E. Robinson, 55 Main Street, P. O. Box 288, Lawrenceville, PA 16929 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with heavy metals, BTEX, PAHs and PHCs. The Baseline Environmental Report was approved by the Department on December 19, 2001.

**DuBois Bulk Plant (Petrolec)**, City of DuBois, **Clearfield County**. Environmental Remediation & Recovery, Inc., on behalf of its client Russell Real Estate, R.D. 1, Box 179, Curwensville, PA 16833, has submitted a Work Plan concerning the remediation of site soil and groundwater contaminated with BTEX and PAHs. The Work Plan was approved by the Department on January 10, 2002.

**State College Service Station**, Ferguson Township, **Centre County**. Chambers Environmental Group, Inc., on behalf of Centre Oil and Gas, Inc., 769 Westerly Parkway, State College, PA 16801, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PHCs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 3, 2002.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Penske Truck Leasing Company, LP**, City of Reading, **Berks County**. ARCADIS Geraghty & Miller, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047 (on behalf of Penske Truck Leasing Company LP, Route 10 Green Hills, Reading, PA 19603) submitted a final report concerning the remediation of site groundwater contaminated with BTEX and solvents. The final

report demonstrated attainment of the Site-Specific standard and was approved by the Department on January 17, 2002.

**Ameristeel Facility**, Spring Garden Township, **York County**. ARM Group, Inc., 129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797 (on behalf of Coastal Steel Company, Inc., 1200 Country Club Road, York, PA 17403) submitted a combined remedial investigation and final report concerning the remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the Site-Specific standard and was approved by the Department on December 7, 2001. This corrects a notice published on December 29, 2001.

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

**Agway Petroleum, Inc.**, 511 West Grant Street, City of New Castle, **Lawrence County**, had submitted a Baseline Environmental Report concerning remediation of soil and groundwater. The site had been found to be contaminated with Benzene. The report demonstrated attainment of the Special Industrial Standard and was approved by the Department on January 10, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

**Valley City Disposal, Inc. d/b/a Valley City Environmental Services, Inc.**, 1040 Market Street SW, Grand Rapids, MI 49503. License No. **PA-AH 0410**. Effective January 16, 2002.

**Four Seasons Environmental, Inc.**, 9413 Apison Pike, Suite 200, Ooltewah, TN 37363. License No. **PA-AH 0632**. Effective January 16, 2002.

**Von Roll America, Inc.**, 1250 St George Street, East Liverpool, OH 43920. License No. **PA-AH 0644**. Effective January 15, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE ISSUED

**Superior Carriers, Inc.**, 2122 York Road, Suite 150, Oak Brook, IL 60523. License No. **PA-AH 0686**. Effective January 10, 2002.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE EXPIRED

**Brookville Hospital**, 100 Hospital Road, Brookville, PA 15825. License No. **PA-HC 1037**. Effective December 31, 2001.

**Incendere, Inc.**, 6175 NW 153rd Street, Suite 324, Miami Lakes, FL 33014. License No. **PA-HC 0058**. Effective December 31, 2001.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PAD 002389559. Keystone Cement Company**, P. O. Box A, Bath, PA 18014-0058. A permit renewing the term of Keystone Cement Company's permit for the receipt and temporary storage of approved liquid wastes prior to the beneficial use of the liquid waste as fuel in the cement kilns at this hazardous waste storage facility located in East Allen Township, **Northampton County**. The permit replaces the facility's original December 26, 1991, hazardous waste management permit. The permit was issued in the Regional Office on December 27, 2001, and it will expire on December 27, 2011.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**06-03069B: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422) on January 16, 2002, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Alsace Township, **Berks County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**00178: ICS Corp.** (2225 Richard Street, Philadelphia, PA 19125) for installation of one web fed nonheatset lithographic printing press in the City of Philadelphia, **Philadelphia County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**23-0047C: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) on December 28, 2001, for operation of a spray dryer III in City Of Chester, **Delaware County**.

**09-0093: Castrol Industrial North America, Inc.** (775 Louis Drive Warminster, PA 18974) on January 4, 2002, for the operation of a seven product process tanks in Warminster Township, **Bucks County**.

**15-0095B: Longwood Gardens, Inc.** (401 E. Street Road, Kennett Square, PA 19348) on January 4, 2002, for the operation of a two 800 kw emergency generators in East Marlborough Township, **Chester County**.

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

**48-320-012: Wheaton USA, Inc.** (2400 Baglyos Circle, Bethlehem, PA 18020) on January 9, 2002, for construction of a heat-set printing operation in Bethlehem Township, **Northampton County**.

**40-320-015: Great Northern Press of Wilkes-Barre** (173 Gilligan Street, Wilkes-Barre, PA 18702) on January 14, 2002, for construction and modification of a heat set web offset printing operations and associated air cleaning device in Hanover Township and Wilkes-Barre, **Luzerne County**.

**48-328-006: Connectiv Bethlehem, Inc.** (P. O. Box 6066, 252 Chapman Road, Newark, DE 19714-6066) on January 16, 2002, for construction of an 1,100 megawatt combined cycle electric generating facility in the City of Bethlehem and Lower Saucon Township, **Northampton County**.

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

**22-03051: Buse Funeral Home** (9066 Jonestown Road, Grantville, PA 17028) on January 15, 2002, for construction of a human cremation chamber controlled by an afterburner in East Hanover Township, **Dauphin County**.

**36-03119A: Esh's Toys LLC** (343 Furnace Road, Quarryville, PA 17566) on January 16, 2002, for construction of a sealer spray booth and a topcoat spray booth in Bart Township, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00226B: Better Materials Corp.** (P. O. Box 187, Berkeley Springs, WV 25411) on December 20, 2001, for operation of batch asphalt plant controlled by a fabric collector at Sewickley Creek Plant in Economy Borough, **Beaver County**.

**63-00893C: Master Woodcraft, Inc.** (100 Stationvue, Washington, PA 15301) on January 18, 2002, for installation of surface coating spray booth at Washington Plant in Chartiers Township, **Washington County**.

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

**10-027A: Penreco** (138 Petrolia Street, Karns City, PA 16041) on December 29, 2001, for the replacement of No. 7 Storage Tank in Karns City, **Butler County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**01033: Children's Hospital of Philadelphia** (34th Street and Civic Center Boulevard, Philadelphia, PA. 19104) for operation of two 13 pounds per day ethylene oxide sterilizers and two peak shaving generators in the City of Philadelphia, **Philadelphia County**.

**01072: Cage Graphics, Inc.** (2781 Roberts Avenue, Philadelphia, PA 19129) for operation of two flexographic plate processor units and associated equipment in the City of Philadelphia, **Philadelphia 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.*

**46-0158: Colorcon Div./BPSI** (415 Moyer Boulevard, West Point, PA 19486) on December 27, 2001, for operation of a NO-TOx area in Upper Gwynedd Township, **Montgomery County**.

**46-317-006A: Colorcon Div./BPSI** (415 Moyer Boulevard, West Point, PA 19486) on December 27, 2001, for operation of a manufacturing process in Upper Gwynedd Township, **Montgomery County**.

**09-0080: Milford Enterprises, Inc.** (200-300 Commerce Drive, Quakertown, PA 18951) on December 27, 2001, for operation of a wood finishing in Milford Township, **Bucks County**.

**15-0014C: Saint Gobain Performance Plastics Corp** (57 Morehall Road, Malvern, PA 19355) on December 27, 2001, for operation of an air cleaning control device in East Whiteland Township, **Chester County**.

**46-0036A: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on December 27, 2001, for operation of a urea selective catalytic reduction in Worcester Township, **Montgomery County**.

**46-0037C: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on December 28, 2001, for operation of a tantalum scrap digestion in Douglass Township, **Montgomery County**.

**15-0098: Rhodia ChiRex Inc.** (383 Phoenixville Pike, Malvern, PA 19355) on December 28, 2001, for operation of two new reactors in Charlestown Township, **Chester County**.

**23-0009: Boeing MACAM Sys Group—Philadelphia** (Stewart Avenue and Route 291, Eddystone, PA 19013) on January 4, 2002, for operation of a two-stage dry particulate filter in Ridley Township, **Delaware County**.

**46-0059: Handelok Bag Co.** (701A West Fifth Street, Lansdale, PA 19446) on January 3, 2002, for operation of a flexographic printing press in Lansdale Borough, **Montgomery County**.

**46-0024: McNeil Consumer and Specialty Pharmaceutical** (7050 Camp Hill Road, Fort Washington, PA 19034) January 4, 2002, for operation of a dust collection system in Whitemarsh Township, **Montgomery County**.

**09-0068A: Orchard Hill Memorial Park, Inc.** (80 Kelly Road, Quakertown, PA 18951) on January 3, 2002, for operation of an incinerator in Quakertown Borough, **Bucks County**.

**09-0015A: Rohm and Haas Co.** (Route 413 and State Road, Bristol, PA 19007) on January 3, 2002, for operation of a 1.7 mw-hr emergency generator in Bristol Township, **Bucks County**.

**46-322-007: Waste Management Disposal Service of PA** (1425 Sell Road, Pottstown, PA 19464) on January 4, 2002, for operation of a Municipal Solid Waste Landfill in West Pottsgrove Township, **Montgomery County**.

**23-0021A: Congoleum Corp.** (4401 Ridge Road, Trainer, PA 19061) on January 7, 2002, for operation of a 1,000 kilowatt emergency generator in Trainer Borough, **Delaware County**.

**15-0037: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) on January 7, 2002, for operation of a nonheatset lithographic press in West Whiteland Township, **Chester County**.

**15-0099: Heckett MultiServ** (South First Avenue, Coatesville, PA 19320) on January 4, 2002, for operation of a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

**09-0090: Messer Griesheim Industries, Inc.** (One Steel Road East, Morrisville, PA 19067) on January 9, 2002, for operation of a residual cylinder gases in Bristol Township, **Bucks County**.

**09-0105A: Naceville Materials** (Springfield Street and Route 309, Coopersburg, PA 19474) on January 3, 2002, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

**09-0035B: Coltec Industries** (23 Friends Lane, Newtown, PA 18940) on January 7, 2002, for operation of a PTFE manufacturing line, Lubricant in Newtown Township, **Bucks County**.

**09-0063A: New Hope Crushed Stone Co.** (6970 Phillips Mill Road, New Hope, PA 18938) on January 9, 2002, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

**46-0155A: Sermatech International, Inc.** (155 South Limerick Road, Limerick, PA 19468) on January 9, 2002, for operation of two ATR CEW spray booths in Limerick Township, **Montgomery County**.

**46-0155C: Sermatech International, Inc.** (155 South Limerick Road, Limerick, PA 19468) on January 9, 2002, for operation of a binder mix tank in Limerick Township, **Montgomery County**.

**46-0155B: Sermatech International, Inc.** (155 South Limerick Road, Limerick, PA 19468) on January 9, 2002, for operation of a thermal spray unit in Limerick Township, **Montgomery County**.

**23-0009A: Boeing MACAM Sys Group—Philadelphia** (Stewart Avenue and Route 291, Eddystone, PA 19013) on January 4, 2002, for operation of four gas turbine generators in Ridley Township, **Delaware County**.

**23-0024A: Hanson Aggregates PA, Inc.** (523 West Forge Road, Glen Mills, PA 19342) on January 15, 2002, for operation of an aero pulse baghouse in Middletown Township, **Delaware County**.

**09-0110: Riverside Construction Materials, Inc.** (7900 Radcliffe Street, Bristol, PA 19007) on January 16, 2002, for operation of a cement handling in Bristol Township, **Bucks County**.

**46-0182: Rotoflex Technology Inc.** (92B County Line Road, Colmar, PA 18915) on January 15, 2002, for operation of a chrome plating process in Hatfield Township, **Montgomery County**.

**46-313-093B: SmithKline Beecham Research Company** (1250 South Collegeville Road, Collegeville, PA 19486) on January 10, 2002, for operation of a chemical development facility in Upper Providence Township, **Montgomery County**.

**46-0190: Dickson Investment Hardware, Inc.** (404 East Church Road, King of Prussia, PA 19406) on January 18, 2002, for operation of a gas fired thermal oxidizer in Upper Merion Township, **Montgomery County**.

**46-0032A: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046) on January 16, 2002, for operation of a coating and mixing room in Abington Township, **Montgomery County**.

**23-0001L: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on January 15, 2002, for operation of two racing fuel storage tanks in Marcus Hook Borough, **Delaware County**.

**46-313-093C: SmithKline Beecham Research Company** (1250 South Collegeville Road, Collegeville, PA 19486) on January 10, 2002, for operation of a hydrogenation facility in Upper Providence Township, **Montgomery County**.

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

**21-322-001B: Community Refuse Service, Inc. t/a Cumberland County Landfill** (142 Vaughn Road, Shippenburg, PA 17257) on January 1, 2002, for construction of a landfill gas venting system controlled by a flare in Hopewell Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. This plan approval was extended.

**36-310-013E: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) on November 30, 2001, for modification of an existing stone crushing plant at the Paradise Quarry in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performances for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**36-310-023F: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) on November 30, 2001, for modification of an existing agricultural limestone pulverizing plant at the Paradise Quarry facility in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**67-05004A: P H Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on January 15, 2002, for construction of a hardpiping system to convey process condensates to the wastewater treatment plant in Spring Grove Borough, **York County**. This plan approval was extended.

**67-05030A: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402) on January 16, 2002, for construction of a Flexographic Press No. 11 enclosed in a permanent total enclosure controlled by a catalytic incinerator in Manchester Township, **York County**. This plan approval was extended.

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

**08-399-032: OSRAM SYLVANIA Products Corp.** (Hawes Street, Towanda, PA 18848) on January 11, 2002, to authorize operation of a tantalum carbide sifter and the use of an existing air cleaning device (a fabric collector) to control its particulate matter emissions in North Towanda Township, **Bradford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**04-468C: S. H. Bell Corp.** (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238) on January 8, 2002, for construction of a truck load-out station in Ohioville Borough, **Beaver County**. This plan approval was extended.

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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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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**47-00001: PPL Montour, LLC** (2 North Ninth Street, Allentown, PA 18101-1179) issued a revised Title V Operating Permit on January 17, 2002, to include terms and conditions for the operation of an electrostatic precipitator and a selective catalytic reduction system to control emissions from a bituminous coal/No. 2 fuel oil fired boiler (Unit #2) in Derry Township, **Montour County**. These air cleaning devices were constructed under Plan Approvals 47-0001B and 47-0001C. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00006: HJ Heinz, LP** (6670 Low Street, Bloomsburg, PA 17815) issued a revised Title V Operating Permit on January 16, 2002, to include terms and conditions for the operation of three scrubbers to control malodors from the facility in South Centre Township, **Columbia County**. These air cleaning devices were constructed under Plan Approvals 19-00006, 19-317-023B and 19-317-023C. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00025: Lycoming County Resource Management Service** (P. O. Box 187, Montgomery, PA 17752) issued a revised Title V Operating Permit on January 11, 2002, to allow for the use or horizontal gas collection lines in Fields 7—9 and 10 at their facility in Brady Township, **Lycoming County**. This revision also permits Lycoming County Resource Management Service to transport a portion of landfill gas generated offsite to locations and specific sources approved by the Department. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**95-038: The Sunoco Philadelphia Refinery** (3144 Passyunk Avenue, Philadelphia, PA 19145) on January 17, 2002, for operation of a petroleum refinery in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include eight boilers larger than 100 mmBtu/hr, heaters, cumene tank truck loading, benzene railcar unloading, propane loading, two Claus sulfur recovery plants, eight cooling towers, storage

tanks, marine barge loading, inter-refinery pipeline equipment, two alkylation units, hydrogen purification, degreasing vats, a butane isomerization unit, wastewater sources, a benzene production unit, a cumene production unit and fugitives.

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

**25-00025: General Electric Transportation System** (2901 East Lake Road, Erie, PA 16531) for its Erie facility in Lawrence Park Township, **Erie County**, will be administratively amending their Title V Operating Permit (issued November 2, 2000) on January 15, 2002, to change the name of the responsible official.

**62-00017: United Refining Co.—Warren** (Bradley and Dobson Street, P. O. Box 780, Warren, PA 16365) in Warren, **Warren County**, will be administratively amending their Title V Operating Permit (issued December 26, 2000, revised on March 21, 2001, and again on December 18, 2001) on January 15, 2002, to incorporate the conditions from the API Separator Plan Approval 62-312-036A.

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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); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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*Coal Permits Actions*

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

**49910201R2. Rosini Enterprises, Inc.** (P. O. Box 568, Shamokin, PA 17872-0568), renewal of an existing anthracite coal refuse operation in Coal Township, **Northumberland County** affecting 68.0 acres, receiving stream—none. Application received: November 16, 2001. Renewal issued: January 17, 2002.

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

**26900109. Chess Coal Company** (15 Chess Road, Smithfield, PA 15478). Permit revised to change the postmining land use from forestland to pastureland or

land occasionally cut for hay, to change the erosion and sedimentation control plan and to add 27 acres to the existing permit area, as well as add mining on the Sewickley coal seam, at a bituminous surface mining site located in Georges Township, **Fayette County**, now affecting 213 acres. Receiving streams: unnamed tributary to York Run. Application received: October 19, 2001. Permit revision issued: January 17, 2002.

**03990106 and NPDES No. PA0202606. Thomas J. Smith, Inc.** (R. R. 1, Box 260-D, Shelocta, PA 15774). Permit revised to add a sedimentation pond and two collection ditches at a bituminous surface mine located in Washington Township, **Armstrong County**, affecting 94.1 acres. Receiving streams: unnamed tributary to Huling Run, to the Allegheny River. Application received: September 12, 2001. Permit revision issued: January 17, 2002.

**30010103 and NPDES No. PA025015. SBX Corporation** (668 Lower Hildebrand Road, Morgantown, WV 26501). Permit for commencement, operation and reclamation of a bituminous surface mine located in Greene Township, **Greene County** affecting 16.1 acres. Receiving streams: unnamed tributary to Whitely Creek to the Monongahela River. Application received: August 16, 2001. Permit issued: January 18, 2002.

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

**56910104 and NPDES Permit No. PA0599255. Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530. Permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Elk Lick Township, **Somerset County**, affecting 133.4 acres. Receiving streams: unnamed tributary to Tub Mill Run, unnamed tributary to Casselman River classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received: October 22, 2001. Application issued: January 9, 2002.

**11010101 and NPDES Permit No. PA0248941. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722. Commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 71.0 acres. Receiving streams: Fallentimber Run and Clearfield Creek classified for the following uses: Cold Water Fishery and Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received: January 31, 2001. Application issued: January 9, 2002.

**56980103 and NPDES Permit No. PA0234699. Godin Brothers, Inc.**, 136 Godin Drive, Boswell, PA 15531. Permit revision includes a request for three stream variances. The first stream variance includes sediment pond installation within 100 feet but no closer than 25 feet of unnamed tributary "A." This activity along unnamed tributary "A" is for pond construction only and does not include coal removal. This variance area begins 1,500 feet upstream of the confluence with unnamed tributary "B" and continues upstream for a distance of 200 feet.

The second stream variance is for unnamed tributary "B" to include mining within 100 feet but no closer than 50 feet and the construction of a collection ditch within 100 feet but no closer than 25 feet of unnamed tributary "B." This variance area begins 350 feet upstream of the

confluence with unnamed tributary "A" and continues upstream for a distance of 2550 feet.

The third variance is along unnamed tributary "C" to include mining within 100 feet but no closer than 50 feet and the construction of a collection ditch within 100 feet but no closer than 25 feet of unnamed tributary "C." This variance area begins at the confluence with unnamed tributary "A" and continues upstream for a distance of 1,350 feet in Lincoln and Jenner Township, **Somerset County**, affecting 143.3 acres. Receiving streams: unnamed tributaries to Quemahoning Creek classified for the following uses: Cold Water Fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Water Authority—Quemahoning Dam. Application received: April 19, 2001. Application issued: January 14, 2002.

**32010104 and NPDES Permit No. PA0248967, Reichard Contracting, Inc.**, 212 Olean Trail, New Bethlehem, PA 16242, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage, in West Mahoning Township, **Indiana County**, affecting 66.1 acres. Receiving streams: unnamed tributaries to Carr Run and Carr Run classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 22, 2001. Permit issued: January 14, 2002.

**56940104 and NPDES Permit No. PA0212849. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530. Permit revision to add 7.5 acres to the existing 99.7 acres. Total SMP acres goes from 99.7 to 107.2 acres. Also, a land use change request from woodland to pastureland in Brothersvalley Township, **Somerset County**. Receiving streams: unnamed tributary to Tubs Run and Laurel Run; and to Tubs Run and Laurel Run classified for the following uses: Cold Water Fishery and Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received: September 6, 2001. Application issued: January 15, 2002.

**32970103 and NPDES Permit No. PA0234371. Kent Coal Mining Company**, 400 Overview Drive, P. O. Box 219, Shelocta, PA 15774. Permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Young Township, **Indiana County**, affecting 113.0 acres. Receiving streams: Marshall Run and unnamed tributaries to Marshall Run classified for the following uses: Cold Water Fishery. The first downstream potable water supply intake from the point of discharge is Avonmore Public Water Supply. Application received: January 9, 2002. Application issued: January 16, 2002.

**56010101 and NPDES Permit No. PA0248924. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228. Commencement, operation and restoration of a bituminous surface and for discharge of treated mine drainage in Elk Lick Township, **Somerset County**, affecting 70.0 acres. Receiving streams: unnamed tributary to Casselman River and unnamed tributaries to Elk Lick Creek classified for the following uses: Cold Water Fishery and Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received: January 24, 2001. Application issued: January 18, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**56733702. NPDES Permit #PA0110035, MF Land Co., Inc.** (P. O. Box 68, Boswell, PA 15531), to renew the



permit for the Warnick Refuse Site in Jenner Township, **Somerset County**, renew permit for reclamation only, 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 the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued: January 9, 2002.

**30733707. NPDES Permit #PA0215830, Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Robena CRDA in Greene and Monongahela Townships, **Greene County**, install three sludge injection boreholes and pipeline, 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 the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued: January 16, 2002.

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

**33960107. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127), revision to an existing bituminous strip operation to add auger mining in Union Township, **Jefferson County** affecting 17.8 acres. Receiving streams: Welch Run. Application received: November 5, 2001. Permit Issued: January 8, 2002.

**61970101. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127), renewal of an existing bituminous strip and limestone removal operation in Irwin Township, **Venango County** affecting 66.5 acres. Receiving streams: Four unnamed tributaries to Scrubgrass Creek. Application received: November 13, 2001. Permit Issued: January 14, 2002.

#### *Noncoal Permits Actions*

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

**25010805. Tom Francis** (10258 Wattsburg Road, Erie, PA 16509). Commencement, operation and restoration of a small noncoal sand and gravel operation in Venango Township, **Erie County** affecting 1.0 acre. Receiving streams: unnamed tributary to French Creek. Application received: October 11, 2001. Permit Issued: January 11, 2002.

**10010811. Judith McCrea** (P. O. Box 82, Fenelton, PA 16034). Commencement, operation and restoration of a small noncoal shale operation in Clearfield Township, **Butler County** affecting 1.0 acre. Receiving streams: Little Buffalo Run. Application received: December 4, 2001. Permit Issued: January 14, 2002.

#### *Project Proposals Issued*

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

**EGS 32003. Blacklick Creek Watershed Association, Inc.**, 297 Sarah Street, Homer City, PA 15748. A project to collect and passively treat the abandoned Cherryhill Deep Mine acid mine discharge along State Route 403 approximately 1.5 miles southeast of the village of Clymer with treatment facilities located on the Dennis J. Richards, Sr. property in Cherryhill Township, **Indiana County**. Receiving stream Two Lick Creek. Project received: November 1, 2001. Project issued: January 15, 2002.

### ABANDONED MINE RECLAMATION

*Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

Bond Forfeiture BF 446-101.1  
Contract Awarded

Location **Howard Burkland**  
Mining Permit Nos. 1185-1, 3  
Luzerne Township  
**Fayette County**

Description Abandoned Mine Land Reclamation  
Contractor Earthmovers Unlimited, Inc.  
Amount \$206,879  
Date of Award January 14, 2002

Bond Forfeiture BF 458-101.1  
Contract Awarded

Location North Huntingdon Township  
**Westmoreland County**

Description Abandoned Mine Land Reclamation  
Contractor Earthmovers Unlimited, Inc.  
Amount \$122,243  
Date of Award January 18, 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.*

**06024001. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for the Reading Hospital Project in Cumru Township, **Berks County** with an expiration date of March 31, 2002. Permit issued: January 15, 2002.

**09024001. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Chalfont Borough, **Bucks County** with an expiration date of May 11, 2002. Permit issued: January 16, 2002.

**09024002. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Hilltown Township, **Bucks County** with an expiration date of May 11, 2002. Permit issued: January 16, 2002.

**23024001. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Concord Township, **Delaware County** with an expiration date of May 11, 2002. Permit issued: January 16, 2002.

**40014011. Explosive Services, Inc.** (5 Pine Street, Bethany, PA 18431), construction blasting for Humboldt Industrial Park North in Hazle Township, **Luzerne County** with an expiration date of December 18, 2002. Permit issued: January 16, 2002.

**45024001. Empire Construction** (1 Empire Plaza, Stroudsburg, PA 18360), construction blasting in

Bartonville Borough, **Monroe County** with an expiration date of February 15, 2002. Permit issued: January 16, 2002.

**46024001. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting for Lewis Street Shopping Center in Limerick Township, **Montgomery County** with an expiration date of March 4, 2002. Permit issued: January 16, 2002.

**46024002. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in New Hanover Township, **Montgomery County** with an expiration date of March 14, 2002. Permit issued: January 16, 2002.

**46024003. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Douglas Township, **Montgomery County** with an expiration date of April 1, 2002. Permit issued: January 16, 2002.

**52024001. Explosive Services, Inc.** (5 Pine Street, Bethany, PA 18431), construction blasting in Greene Township, **Pike County** with an expiration date of December 26, 2002. Permit issued: January 16, 2002.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The Department of Environmental Protection 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 of Environmental Protection 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.

Any person aggrieved by this 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, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (Board) within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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 decisional law.

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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.*

**E39-404. Berks Products Corporation**, P. O. Box 421, Reading, PA 19603. South Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To maintain fill placed within the floodway along approximately 300 linear feet of the left bank of a tributary to Little Cedar Creek, at the Berks Products Allentown Plant, an existing cement concrete manufacturing facility. The project is located along the south side of Crackersport Road, at the northwest corner of the intersection of S.R. 0022 and the Pennsylvania Turnpike Northeast Extension (Allentown West, PA Quadrangle N: 17.5 inches; W: 10.0 inches).

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

**E01-224. Conewago Enterprises, Incorporated**, 660 Edgegrove Road, Hanover, PA 17331 in Mount Pleasant Township, **Adams County**, ACOE Baltimore District.

To: (1) construct and maintain a new bridge with a span of 18 feet and an underclearance of 2.46 feet; (2) replace an existing pipe culvert with a bridge with a span of 17 feet and an underclearance of 5.17 feet; and (3) replace an existing retaining wall and portion of road which is located under a railroad bridge along and across Brush Run (WWF) (McSherrystown, PA Quadrangle N: 20.8 inches; W: 14.5 inches) in Mount Pleasant Township, Adams County. These crossings will be constructed to access a private residence.

**E28-274. Franklin County Commissioners**, 157 Lincoln Way East, Chambersburg, PA 17201 in St. Thomas Township, **Franklin County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain County Bridge No. 46 consisting of reinforced concrete having a clear span of 21.5 feet on a 76-degree skew with a minimum underclearance of 6.4 feet across Wilson Run (TSF) on County Road (T-474). The channel banks will be lined with 50 lineal feet of rock filled gabion mattress beginning at the downstream side of the bridge (St. Thomas, PA Quadrangle N: 13.6 inches; W: 7.5 inches) in St. Thomas Township, Franklin County.

**E44-106. Decatur Township**, 3585 U. S. Highway 522 North, Lewistown, PA 17044 in Decatur Township, **Mifflin County**, ACOE Baltimore District.

To remove an existing structure and to construct and maintain a box culvert having a span of 24 feet and an underclearance of 5 feet across the channel of Meadow Creek (CWF) at a point at T-379 (Alfarata, PA Quadrangle N: 7.73 inches; W: 12.0 inches) in Decatur Township, Mifflin County.

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

**E14-403. George Khoury, Pennsylvania Department of Transportation, District 2-0**, 1924-30 Daisy, Clearfield, PA 16830. SR 6220 Improvements (A12), in Huston Township and Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 14.6 inches; W: 11.2 inches).

<i>Wetland Identifier</i>	<i>Station</i>	<i>Size (Acres)</i>	<i>Direct Impact (Acres)</i>	<i>Indirect Impact (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
PJD-261	904+00 Rt.	0.036	0.036	0.000	40° 49' 50"	77° 57' 39"
WRP-004	905+00 Lt.	0.069	0.069	0.000	40° 49' 51"	77° 57' 36"
(WRP-004 is an open water pond that requires a draw-down permit from the Fish and Boat Commission)						
DMG-030	958+00 Lt.	0.010	0.000	0.010	40° 49' 21"	77° 56' 43"
WRP-005	904+00 Lt.	0.095	0.095	0.000	40° 50' 02"	77° 58' 09"
(WRP-005 represents a riverine wetland that is a total of 200 linear feet in length)						

This proposed project location is northwest of State College with a project centroid at latitude 40° 49' 41" and longitude 77° 57' 25" (Port Matilda, PA Quadrangle N: 14.6 inches; W: 11.2 inches) in Huston Township and Patton Township, Centre County.

**E18-289 Amendment. East Nittany Valley Joint Municipal Authority**, P. O. Box 314, Lamar, PA 16848 East Nittany Sewer Extension in Porter Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 5.65 inches; W: 2.69 inches).

Change the method of crossing from a bore crossing to an open cut crossing. The crossings shall be constructed in the dry by utilizing stream diversion methods. All dewatering is proposed to be passed through sediment removal system prior to any infiltration to the stream. The two crossings are both on the main branch of Fishing Creek.

**E18-328. Richard J. Noll**, 6965 Nittany Valley Drive, Mill Hall, PA 17751. Private Driveway Culvert, in Beech Creek Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 19.8 inches; W: 8.8 inches).

To maintain an I-beam timber deck bridge with reinforced concrete abutments and wingwalls with a maximum waterway depth of 6.8 feet and hydraulic opening of 121 square feet over Masden Run off Masden Hollow Road approximately 2.3 miles from the intersection of Masden Hollow Road with SR 0150 in Beech Creek Township, Clinton County. The project will not impact wetlands while impacting approximately 20 feet of waterway. Masden Run is a cold water fisheries stream.

**E41-490. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218,

To: 1) construct and maintain 95-feet of relocated stream channel within Waddle Creek located 450 feet southwest of the SR 3042 and T-341 (Seller Lane) intersection at latitude 40° 49' 22" and longitude 77° 56' 43"; 2) construct and maintain Structure 317, a 516-foot long by 15-foot by 7-foot reinforced concrete box culvert with a 14-foot long concrete apron improved inlet and a 29-foot by 15-foot St. Anthony Falls energy dissipating outlet to carry an unnamed tributary to Buffalo Run under SR 6220 located 1,500 feet southeast of the SR 550 and SR 3042 intersection at latitude 40° 49' 41" and longitude 77° 57' 25"; 3) construct and maintain a 50-foot long 36-inch diameter culvert temporary construction vehicle stream crossing located 2,800 feet northwest of the SR 550 and SR 3042 intersection at latitude 40° 50' 02" and longitude 77° 58' 09"; 4) to place fill in the following wetlands:

Montoursville, PA 17754-0218. SR 3010, Section 005 Canoe Run bridge replacement, in Mifflin Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 22.1 inches; W: 14.4 inches).

To remove existing structure and construct and maintain a 16-foot by 6 foot reinforced concrete box culvert on a skew of 70° in Canoe Run located 1.0 mile west of the intersection of SR 0287 and SR 3010 along SR 3010, in Mifflin Township, Lycoming County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E20-508. Dean and Stephanie Felmler**, P. O. Box 477, Cranberry, PA 16319. Plaza Lanes Bowling Alley Within Floodway of French Creek, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 21.8 inches; W: 5.1 inches).

To construct and maintain a building measuring 142 feet wide by 137 feet long and adjoining paved parking area and landscaping within the mapped FEMA floodway of French Creek for Plaza Lanes bowling alley along the south side of S.R. 6/19/322 approximately 1 mile east of I-79. This structure replaces the former building which burned down and was removed at the same location.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA03-004SW. Bureau of Abandoned Mine Reclamation**, 286 Industrial Park Road, Ebensburg, PA 15931. Bradys Bend Township, **Armstrong County**, ACOE Pittsburgh District.

To relocate approximately 444 feet of an unnamed tributary to Sugar Creek by constructing and maintaining approximately 467 feet of new channel in association with the regarding and stabilization of a refuse pile along approximately 2,000 linear feet of Sugar Creek and the construction of a passive treatment system to treat mine drainage from the Snow Hill Mine and to construct and maintain a temporary ford across Sugar Creek, two outfall structures in Sugar Creek, which will include (0.05 acre) de minimis impacts to wetlands. (Chicora, PA Quadrangle N: 19.97 inches; W: 4.57 inches).

**SSIP**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-48-002	Joseph B. Riding Conectiv Bethlehem Inc. P. O. Box 6066 Newark, DE 19714	Northampton	Bethlehem	1 AST storing— Low Sulfur Distillate Fuel Oil	4 million gallons  23,650 gallons total
				9 ASTs storing— Regulated Substances	

[Pa.B. Doc. No. 02-179. Filed for public inspection February 1, 2002, 9:00 a.m.]

**STORAGE TANKS****SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

**DEPARTMENT OF HEALTH****Application of Bariatric Care Center of Pennsylvania for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Bariatric Care Center of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.30.B2 (relating to the dimensions of elevator cars).

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: DDITLOW@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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-180. Filed for public inspection February 1, 2002, 9:00 a.m.]

**Decisions on Requests for Exceptions to Health Care Facility Regulations**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 1, 2001, through December 22, 2001. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, P. O. Box 90, Harrisburg, PA 17108. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, Susan Getgen, Director, P. O. Box 90, Harrisburg, PA 17108. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

## Exception Requests—Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Canonsburg General Hospital	28 Pa. Code § 51.3	notification	11/3/2001	granted
Carlisle Regional Medical	28 Pa. Code § 51.3	notification	9/22/2001	granted
Community Medical Center	28 Pa. Code § 51.3	notification	9/22/2001	not necessary
Milton S. Hershey Medical	28 Pa. Code § 51.3(a)	notification	7/21/2001	not necessary
Riverview Ambulatory	28 Pa. Code § 51.3(a)	notification	8/18/2001	denied
HealthSouth Rehab Hospital	28 Pa. Code § 51.3(c)	notification	7/21/2001	granted
Allegheny General Hospital	28 Pa. Code § 51.3(g)(4)	notification	8/18/2001	granted
UPMC Shadyside	28 Pa. Code § 51.3(g)(4)	notification	11/3/2001	denied
Suburban General Hospital	28 Pa. Code § 51.3(g)(4)	notification	8/18/2001	granted
The Western Pennsylvania Soldiers & Sailors Memorial	28 Pa. Code § 51.3(g)(4) 28 Pa. Code § 51.6	notification identification of personnel	8/18/2001 9/22/2001	granted granted
Allegheny General Hospital	28 Pa. Code § 51.23	PET scanning services	7/21/2001	granted
Alliance Imaging	28 Pa. Code § 51.23	PET scanning services	7/21/2001	granted
Altoona Hospital	28 Pa. Code § 51.23	PET scanning services	7/21/2001	granted
Canonsburg General Hosp.	28 Pa. Code § 51.23	PET scanning services	11/3/2001	granted
Geisinger Medical Center	28 Pa. Code § 51.23	PET scanning services	11/3/2001	granted
Heritage Valley Health System	28 Pa. Code § 51.23	PET scanning services	8/8/2001	granted
J.C. Blair Memorial Hospital	28 Pa. Code § 51.23	PET scanning services	9/22/2001	granted
Meadville Medical Center	28 Pa. Code § 51.23	PET scanning services	7/21/2001	granted
Memorial Hospital York	28 Pa. Code § 51.23	PET scanning services	9/22/2001	granted
Monongahela Valley Hospital	28 Pa. Code § 51.23	PET scanning services	5/5/2001	granted
Reading Hospital and Medical	28 Pa. Code § 51.23	PET scanning services	9/22/2001	granted
St. Joseph Medical Center	28 Pa. Code § 51.23	PET scanning services	8/18/2001	granted
UPMC Horizon	28 Pa. Code § 51.23	PET scanning services	4/28/2001	granted
Geisinger Healthsouth Rehab	28 Pa. Code § 107.2	medistaff membership	9/22/2001	granted
HealthSouth Rehab Hosp.	28 Pa. Code § 107.2	medical staff membership	11/3/2001	granted for podiatrists
Holy Spirit Hospital	28 Pa. Code § 107.2	medical staff membership	10/13/2001	granted
Geisinger HealthSouth Rehab	28 Pa. Code § 107.25 (b)(8)	medical staff executive	8/18/2001	approved
SemperCare Hospital	28 Pa. Code § 107.32	meetings and attendance	8/18/2001	granted/denied
HealthSouth Rehab Hosp. of	28 Pa. Code § 107.62	oral orders	12/22/2001	granted
HealthSouth Rehab Hosp. of	28 Pa. Code § 107.62	oral orders	10/13/2001	granted
HealthSouth Rehab Hospital	28 Pa. Code § 107.62	oral orders	7/21/2001	granted
Mercy Hospital, Scranton	28 Pa. Code § 135.15	surgical specimens	9/22/2001	granted
Delaware Memorial Hospital	28 Pa. Code § 137.21 (b)(5)	obstetrical services policies	9/22/2001	granted
Sewickley Hospital	28 Pa. Code § 138.2	definitions	10/13/2001	denied
Monongahela Valley Hospital	28 Pa. Code § 138.15	high risk cardiac cath	7/21/2001	denied
Jameson Memorial Hospital	28 Pa. Code § 138.15	high risk cardiac cath	7/21/2001	denied
Sewickley Hospital	28 Pa. Code § 138.15	high risk cardiac cath	10/13/2001	denied
Somerset Hospital	28 Pa. Code § 138.15	high risk cardiac cath	7/21/2001	denied
Uniontown Hospital	28 Pa. Code § 138.15	high risk cardiac cath	7/21/2001	denied
Sewickley Hospital	28 Pa. Code § 138.17(c)	PTCA	10/13/2001	denied
Graduate Hospital	28 Pa. Code § 143.7	medical orders	8/18/2001	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Ephrata Community Hospital	28 Pa. Code § 151.21	fire drills	7/21/2001	denied
Lifecare Hospitals of	28 Pa. Code § 153.1	minimum construction stds	10/13/2001	not necessary
Altoona Hospital	28 Pa. Code § 153.1	minimum construction stds	9/22/2001	granted
HealthSouth Rehab Hosp. of	28 Pa. Code § 153.1	minimum construction stds	11/3/2001	not necessary
Temple Univ. School of	28 Pa. Code § 153.1	minimum construction stds	7/21/2001	granted
University Orthopedics Center	28 Pa. Code § 153.1	minimum construction stds	10/13/2001	not necessary
LifeCare Hospital	28 Pa. Code § 153.1 (7.6.C)	minimum construction stds	12/22/2001	granted

#### **Exception Requests—Ambulatory Surgical Facilities**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Lancaster Neuroscience	28 Pa. Code § 569.31	emergency power	1/3/2001	granted
Main Line Surgery Center	28 Pa. Code § 551.21	criteria for ASF	6/2/2001	denied
North Shore Surgi-Center	28 Pa. Code § 551.21	criteria for ASF	6/9/2001	denied
HealthSouth Surgery Center	28 Pa. Code § 551.21(a)	criteria for ASF	7/21/2001	denied
Wills Eye Hospital	28 Pa. Code § 551.21 (a)(2)	criteria for ASF	10/13/2001	denied
Wills Eye Hospital	28 Pa. Code § 551.21(b)	criteria for ASF	10/13/2001	denied
Leonard P. Ferrara, MD	28 Pa. Code § 551.22	criteria for ASF	8/18/2001	granted
St. Vincent Surgery Ctr.	28 Pa. Code § 551.22 (3)(ii)	criteria for ASF	12/22/2001	granted/denied
Shadyside Medical Center	28 Pa. Code § 551.22(4)	pediatric amb surgery	7/21/2001	granted
Albert Einstein Medical Center	28 Pa. Code §§ 553.2, 553.3	ASF ownership	7/21/2001	granted
St. Vincent Surgery Ctr.	28 Pa. Code § 553.3	governing body	12/22/2001	granted/denied
St. Vincent Surgery Ctr.	28 Pa. Code § 553.4	other functions	12/22/2001	granted/denied
Wills Eye Hospital	28 Pa. Code § 553.21(b)	principles of admission	10/13/2001	denied
Hamot Surgery Center	28 Pa. Code § 555.22	preoperative care	7/21/2001	granted /denied
St. Vincent Surgery Ctr.	28 Pa. Code § 555.23	operative care	12/22/2001	granted/denied
St. Vincent Surgery Ctr.	28 Pa. Code Chap. 557	quality assurance	12/22/2001	granted/denied
Lancaster NeuroScience	28 Pa. Code § 571.1	minimum construction stds	12/22/2001	granted
Lancaster NeuroScience	28 Pa. Code § 571.1 (9.2H(a))	minimum construction stds	8/18/2001	granted
Lancaster Neuroscience	28 Pa. Code § 571.1	minimum construction stds	11/3/2001	granted
Main Line Plastic Surgery	28 Pa. Code § 571.1	minimum construction stds	11/17/2001	granted/denied
Northeastern Rehab Assoc.	28 Pa. Code § 571.1	minimum construction stds	12/22/2001	granted
Delaware Valley Ortho and	28 Pa. Code § 571.2	modifications to HHS	11/3/2001	withdrawn

#### **Exception Requests—Nursing Care Facilities**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Phoenixville Hospital	28 Pa. Code § 201.18(e)	management	8/18/01	temp. approval
The Franciscan Skilled Care	28 Pa. Code § 201.18(e)	management	12/15/01	no longer req.
Villa St. Joseph of Baden	28 Pa. Code § 205.6(a)	function of building	11/3/01	granted
Laurel Crest Rehabilitation	28 Pa. Code § 205.6(a)	function of building	11/3/01	granted
Meadow View Nursing	28 Pa. Code § 205.6(a)	function of building	11/3/01	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Morrison's Cove Home	28 Pa. Code § 205.6(a)	function of building	11/3/01	denied
Mountain View Manor	28 Pa. Code § 205.6(a)	function of building	10/6/01	granted
Penn Lutheran Village	28 Pa. Code § 205.6(a)	function of building	9/1/01	granted
Saint Mary's at Asbury Ridge	28 Pa. Code § 205.6(a)	function of building	11/3/01	granted
Seton Manor Skilled Nursing	28 Pa. Code § 205.6(a)	function of building	7/28/01	granted
Sheperd's Choice of Gettysburg	28 Pa. Code § 205.6(a)	function of building	10/27/01	granted
Westmoreland Manor	28 Pa. Code § 205.6(a)	function of building	9/1/01	temp. approval
Carleton Senior Care Center	28 Pa. Code § 205.6(a)	function of building	7/28/01	granted
Meadows Nursing Center	28 Pa. Code § 205.6(a)	function of building	7/28/01	granted
ManorCare Hlth Serv-Lansdale	28 Pa. Code § 205.6(a)	function of building	6/30/01	granted
Belle Reve	28 Pa. Code § 205.6(a)	function of building	7/7/01	granted
Dunmore HealthCare Ctr.	28 Pa. Code § 205.6(a)	function of building	8/18/01	temp. approval
ManorCare Health Chambersburg	28 Pa. Code § 205.6(a)	function of building	9/1/01	granted
Jefferson Manor Hlth Ctr.	28 Pa. Code § 205.6(a)	function of building	9/1/01	granted
Garden Spot Village	28 Pa. Code § 205.6(a)	function of building	10/27/01	granted
Lutheran Home at Kane	28 Pa. Code § 205.6(a)	function of building	10/27/01	granted
Dauphin Manor	28 Pa. Code § 205.9(a)	corridors	11/3/01	temp. approval
Belle Reve	28 Pa. Code § 205.12(b)	elevators	7/7/01	granted
Pennsylvania Soldiers & Sailor	28 Pa. Code § 205.19(b)	windows and windowsills	6/23/01	granted
Dauphin Manor	28 Pa. Code § 205.25(b)	kitchen	11/3/01	temp. approval
Beverly Healthcare Titusville	28 Pa. Code § 205.28(a)	nurses' station	10/6/01	not necessary
Margaret E. Moul Home	28 Pa. Code § 205.28(b)	nurses' station	10/28/00	no longer req.
Bryn Mawr Terrace Conv. Ctr.	28 Pa. Code § 205.28(b)	nurses' station	10/27/01	granted
Rest Haven-York	28 Pa. Code § 205.28(c)	nurses' station	7/14/01	granted
Mt. Hope Dunkard Brethren	28 Pa. Code § 205.32(b)	janitor's closet	10/6/01	granted
Margaret E. Moul Home	28 Pa. Code § 205.33(a)	utility room	10/28/00	no longer req.
Dauphin Manor	28 Pa. Code § 205.33(a)	utility room	11/3/01	temp. approval
St. Mary's of Asbury Ridge	28 Pa. Code § 205.36(e)	bathing facilities	1/19/02	granted
Dauphin Manor	28 Pa. Code § 205.36(h)	bathing facilities	11/3/01	temp. approval
Moses Taylor Hospital	28 Pa. Code § 205.36(h)	bathing facilities	10/27/01	granted
Hillcrest Center	28 Pa. Code § 205.36(h)	bathing facilities	7/14/01	granted
Dauphin Manor	28 Pa. Code § 205.38(b)	toilet facilities	11/3/01	temp. approval
Dauphin Manor	28 Pa. Code § 205.67(e)	electric requirement	11/3/01	temp. approval
Green Acres/Adams County	28 Pa. Code § 205.71	bed and furnishings	10/27/01	no longer req.
Dallastown Nsng Center	28 Pa. Code § 211.12(b)	nursing services	11/10/01	denied
Old Orchard Health Care	28 Pa. Code § 211.12(f)(1)	nursing services	8/18/01	granted
Meda Nipple Conv. Home	28 Pa. Code § 211.12(f)(1)	nursing services	9/8/01	denied
Beverly Healthcare Titusville	28 Pa. Code § 211.16(b)	social services	10/6/01	denied

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-181. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Preapproved Tobacco Cessation List

The Department of Health (Department) is soliciting applications from tobacco cessation providers in this Commonwealth to be included on the Department's preapproved tobacco cessation list. This list will be utilized as the Department tobacco cessation resources registry and referral system at the State, regional and local levels, and by the Department of Public Welfare to identify cessation providers. Staff of the Statewide quitline, Department primary contractors and the Department of Public Welfare, Office of Medical Assistance will refer individuals to providers for individual and group smoking cessation counseling. The application form, along with the standards for programs and instructors, may be found on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us) or by contracting Nancy Shaffer, Cessation Program Manager, at (717) 783-6600.

Persons with a disability who require a copy in alternative formats (such as larger print, audio tape or Braille) of this application form should contact Nancy Shaffer at (717) 783-6600. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-182. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Angela Jane Pavilion  
8410 Roosevelt Blvd.  
Philadelphia, PA 19152

Spruce Manor Nursing  
and Rehabilitation Center  
220 South 4th Avenue  
West Reading, PA 19611

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech

and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-183. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, February 20, 2002. The meeting will be held at 333 Market Street, Harrisburg, PA, in the Heritage Room B Conference Room, from 10 a.m. to 3 p.m.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services at (717) 772-4959.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Head Injury Program at (717) 772-4959, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-184. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Blarney Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania Blarney Bucks.
- Price:* The price of a Pennsylvania Blarney Bucks instant lottery game ticket is \$1.00.
- Play Symbols:* Each Pennsylvania Blarney Bucks instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$7.<sup>00</sup> (SVN DOL), \$17\$ (SVNTN), \$35\$ (TRY FIV), \$70\$ (SEVENTY), \$170 (ONEHUNSTY) and \$1,700 (SVNTNHUN). Each Pennsylvania Blarney Bucks instant lottery game ticket will also contain a "Bonus Box" area. The play symbols and their captions located in the "Bonus Box" area are: Hat Symbol (HAT) and NO BONUS (TRY AGAIN).
- Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$17, \$35, \$70, \$170 and \$1,700.
- Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Blarney Bucks instant lottery game.



6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,700 (SVNTNHUN) in the play area on a single ticket, shall be entitled to a prize of \$1,700.

(b) Holders of tickets with three matching play symbols of \$170 (ONEHUNSTY) in the play area on a single ticket, shall be entitled to a prize of \$170.

(c) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets with three matching play symbols of \$35\$ (TRY FIV) in the play area on a single ticket, shall be entitled to a prize of \$35.

(e) Holders of tickets with a Hat Symbol (HAT) play symbol in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$17.

(f) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area on a single ticket, shall be entitled to a prize of \$17.

(g) 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.

(h) Holders of tickets with three matching play symbols of \$3.<sup>00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1.<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *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>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
3-\$1	\$1	1:7.89	912,000
3-\$2	\$2	1:18.75	384,000
3-\$3	\$3	1:75	96,000
3-\$7	\$7	1:375	19,200
3-\$17	\$17	1:300	24,000
Hat	\$17	1:71.43	100,800
3-\$35	\$35	1:7,059	1,020
3-\$70	\$70	1:24,000	300
3-\$170	\$170	1:48,000	150
3-\$1,700	\$1,700	1:900,000	8

Hat = Win \$17 automatically

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Blarney Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Blarney Bucks, prize money from winning Pennsylvania Blarney Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Blarney Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *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.

11. *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 Blarney Bucks or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-185. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of section 3368 of the Vehicle Code, 75 Pa.C.S. § 3368, published at 31 Pa.B. 7078 (December 29, 2001) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

*Addition*

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition of the following station as an official maintenance and calibration station for electronic (nonradar), which measures elapsed time between two points, electronic (nonradar), which calculates average speed between two points, Stopwatch Speed-Timing and Mobile Units:

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063. Station numbers will be W1, EL1 and EM1.

*Change of Address*

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the change of address of the following station (station numbers W61, EL11, EM6):

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA 15330.

The new station address will be:

S & D Calibration Services, 115 Walnut Drive, Eighty Four, Washington County, PA 15317. The station numbers will remain the same.

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 31 Pa.B. 7078.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-186. Filed for public inspection February 1, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2002

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2002 total allowable commercial catch of walleye from the Pennsylvania waters of Lake Erie is 9,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 9,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Pennsylvania waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established the total allowable 2002 commercial catch for yellow perch from the Pennsylvania waters of Lake Erie. The 2002 total allowable commercial catch for yellow perch is 30,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 30,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Pennsylvania waters of Lake Erie.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 02-187. Filed for public inspection February 1, 2002, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Regulatory Review

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the eleventh publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			
<b>AGING</b>			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	November 2002, as proposed.	This regulation is being reviewed for consolidation with regulations from DPW and DOH with the intent to publish as part of regulations to be proposed as Adolescent and Adult Part-Day Licensing Regulations. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	March 2002, as final.	This regulation is being reviewed as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. Amendments were published as proposed rulemaking in the <i>Pennsylvania Bulletin</i> on November 27, 1999. Second and third drafts of amendments were prepared based on comments received and second and third rounds of meetings were held with stakeholders. On December 27, 2001, the Final Rulemaking package was submitted to IRRC and the legislative oversight committees.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	March 2003, as proposed.	A review of these regulations will be coordinated with the Adult Residential Facilities initiative being led by the Office of Licensing and Regulatory Management, Department of Public Welfare.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	December 2002, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. The completion of any proposed changes is dependent on the promulgation of final adult protective services regulations.	Robert Hussar 717-783-6207
<b>AGRICULTURE</b>			
Agricultural Conservation Easement Purchase Program/Agricultural Security Areas	April, 2002, as proposed.	Act 138 of 1998 and Act 14 of 2001 amended the Agricultural Area Security Law. The regulations at 7 Pa. Code Chapter 138e must be revised to implement these statutory changes. This regulation would also replace the outdated regulations at 7 Pa. Code Chapter 138, relating to agricultural security areas.	Russell C. Redding (717) 787-3418
The Food Code	July, 2002, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1—20.18) and the Public Eating and Drinking Places Law (35 P. S. §§ 655.1—655.13) form the statutory basis for this regulation.	Sheri Dove (717) 772-8353
Maple Products	September, 2002, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides	August, 2002, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Charles Bruckner (717) 787-9089

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Harness Racing Commission	February, 2002, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals	February, 2002, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Phillip M. Pitzer (717) 772-5206
Fruit Tree Improvement Program	November, 2003, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Certification of Virus-Tested Geraniums	September, 2003, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609
Dog Law	February, 2002, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Dog Law—Lifetime Licenses	May, 2002, as final.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. We are amending 7 Pa. Code §§ 21.51—21.57 to allow the Department to implement the use of micro-chipping for lifetime dog licenses.	Richard Hess (717) 787-4833

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Domestic Animals	June, 2002, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, DVM (717) 772-2852
Aquaculture Development	January, 2002, as proposed.	The Aquacultural Development Law requires the Department to develop an "Aquaculture Development Plan" through regulation.	Leo Dunn (717) 783-8462
<b><i>BANKING</i></b>			
Continuing education regulations for residential first mortgage lender and broker industry.	Six months.	The Mortgage Bankers and Brokers Act ("MBBA") is Act 90 of 1989, and has been amended by Act 131 of 1998. Amended section 4(e) of the MBBA provides that the Secretary of Banking shall delineate the requirements for continuing education regulations for licensees (i.e., mortgage bankers, mortgage brokers, and loan correspondents) by regulation within three years of the effective date (February 19, 1999) of the amendments to the MBBA. Therefore, continuing education regulations are required to be promulgated by February 19, 2002.	Carter D. Frantz (717) 787-1471
Amendments to Banking regulations in 10 Pa. Code Part II to comply with amendments to the Banking Code made by Act 89 of 2000.	One year.	Act 89 of 2000 substantially amended the Banking Code. Accordingly, some banking regulations need to be amended in order to conform to the statutory amendments.	Reginald S. Evans (717) 787-1471
<b><i>BUDGET</i></b>			
No regulations being developed or considered at this date.			
<b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>			
Industrialized Housing and Components 12 Pa. Code Chapter 145 (proposed regulation)	Spring 2002.	The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch (717) 720-7314
Certified Provider (proposed new regulation)	Spring 2002.	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the Department.	Jill B. Busch (717) 720-7314
<b><i>COMMISSION ON CRIME AND DELINQUENCY</i></b>			
Constables' Education and Training Board—New Chapter 431 to Title 37 Pa. Code	March 2002, as final	To implement the authority of Act 1994-44, 42 Pa.C.S.A. §§ 2944—2948, as to program content and administration of basic training and continuing education, standards for qualification to carry firearms in the performance of constable duties, and qualification for schools and instructors.	Stephen Spangenberg (717) 705-3693 ext. 3040

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Deputy Sheriffs' Education and Training Board—Amendments to 37 Pa. Code Chapter 421	April 2002, as final	To amend existing regulation to further increase hours of basic training that were increased by Statement of Policy in 2000. Proposed pursuant to the Deputy Sheriffs' Education and Training Act, 71 P. S. §§ 2105—2106, this rulemaking would add law enforcement-related duties to the basic training curriculum.	Stephen Spangenberg (717) 705-3693 ext. 3040
Bureau of Victims' Services, Victims Compensation Division (formerly Crime Victim's Compensation Board)—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 211	April 2002, as proposed	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by section 4 of Act 1997-57; and citation changes resulting from Act 1998-111 and its relocation of the Crime Victims Act from Title 71 of Purdon's Statutes Title 18. The act at 18 P. S. § 11.312(3) gives the Bureau of Victims' Services the authority, subject to the approval of PCCD, to promulgate regulations to carry out the purposes of the act as it relates to compensation. Also to be revised are restrictions that are antiquated or that limit flexibility in carrying out the statutory purposes.	Lynn Shiner (717) 783-5153 ext. 3210
Commission on Crime and Delinquency—Amendments to 37 Pa. Code Chapter 401 (General Provisions), Chapter 405 (Grant Management) and Chapter 407 (Administrative Proceedings)	September 2002, as final omitted	To update existing regulations to reflect current operations and eliminate language that is obsolete due to operational or statutory change.	Gerard Mackarevich (717) 705-0888 ext 3034
<b><i>CONSERVATION &amp; NATURAL RESOURCES</i></b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking June 2002.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin 717-783-3227
State Parks Rules and Regulations (Chapter 11)	Publish proposed rulemaking March 2002. Final rulemaking September 2002.	This revision to state parks rules and regulations will take place after extensive public outreach. Updates are necessary to reflect changes for more efficient operations, increase opportunities for public recreation, and an effort to improve visitor services and to promote good stewardship of public parks. Eight state-wide regional public meetings were held in the summer of 2000 to begin to gather input on possible regulatory changes. Parks also conducted roundtable discussions. Legal basis for these regulations is Act 18 of 1995.	Gary Smith 717-783-3303
State Forest Picnic Area Rules and Regulations (Chapter 23)	Publish proposed rulemaking April 2002. Final rulemaking September 2002.	General State Forest rules and regulations were updated in 1998. Chapter 23 pertaining to State Forest Picnic Areas needs to be updated and revised to conform with Title 17 general regulation changes.	Bill Slippey 717-783-7941

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Snow & All Terrain Vehicle Registration and Operations (Chapter 51)	Publish proposed rulemaking May 2002. Final rulemaking November 2002.	This chapter needs to be updated to implement recent amendments to Chapter 77 of the Vehicle Code and to reflect the Department's current registration and titling procedures.	Bill Slippey 717-783-7941 (Operations & Recreation)  Lynn Loudenslager 717-783-3751 (Registration & Titling)
<b><i>CORRECTIONS</i></b>			
Revisions to the regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Spring 2002, as proposed.	The regulations will be revised to eliminate unnecessary regulations and update necessary regulations.	William Reznor 717-975-4876
<b><i>EDUCATION</i></b>			
22 Pa. Code Chapter 155—Board of State College and University Directors—Personnel Chapter 161—School Administrators Handbook Chapter 181—Mentally Retarded Exceptional Children  Chapter 251—Postsecondary Education Planning Commission—Rules & Regulations  Chapter 329—Computation of Subsidy	The Secretary intends to submit these regulations as final-omitted in the regulatory review process since they are obsolete and outdated. March 2002, as final omitted.	Chapter 155—This chapter was issued under Section 2 of the Act of February 1970 (P. L. 24, No. 13) (24 P. S. § 20-2002) (Repealed). It was adopted June 12, 1975, 5 Pa. B. 1548.  Chapter 161—Statutory authority for this chapter is 71 P. S. § 352.  Chapter 181—Taken from the <i>Pennsylvania Bulletin</i> (Vol. 3, No. 39-9/15/73, p. 2069), the authority was contained in the Act of January 14, 1970, P. L. (1969) 468 (24 P. S. § 13-1372).  Chapter 251—The Postsecondary Education Planning Commission, formerly known as the 1202 Commission and also known as the 1203 Commission, was authorized by 20 U.S.C., Section 1143 and established by the Governor upon recommendation of the State Board of Education through its resolution of March 15, 1974.  Chapter 329—This chapter provided procedures for calculating the instruction subsidy described in Sections 2502, 2502.5 and 2502.6 of the School Code.	Ernest Helling (717) 787-5500
Pupil Personnel Services, Attendance and Students 22 Pa. Code, Chapters 7, 11, 12	June 2002, as final omitted.	These regulations define the elements of student services programs, delineate the rights and responsibilities of students and establish provisions regarding school attendance. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practices in student services. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	June 2002, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	June 2002, as final-omitted.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. Since these revisions will be technical to incorporate a statutory change, they will be promulgated as final rulemaking with the public comment phase omitted.	Peter Garland (717) 787-3787
Charter School Services, General Provisions	September 2002, as proposed.	These regulations will clarify a number of provisions to the Charter School Law, which have been the subject of questions from charter school applicants and school districts. These regulations will be promulgated under the authority of the Charter School Law, 24 P. S. § 17-1701-A et seq. 1949, March 10, P. L. 30, No. 14, Article XVII-A, § 1701-A, added 1997, June 19, P. L. 225, No. 22, § 1.	Kerri McCarthy (717) 705-2558
Academic Standards (Science & Technology, Environment & Ecology) 22 Pa. Code, Chapter 4	January 2002, as final rulemaking	Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on academic standards. When initially promulgated in 1999, Chapter 4 contained academic standards in reading, writing, speaking and listening, and mathematics. Additional sets of standards were anticipated. This revision to Chapter 4 seeks to establish academic standards in Science and Technology, and Environment and Ecology.	Peter Garland (717) 787-3787
Academic Standards (Civics and Government, Economics, Geography and History; Arts and Humanities; Family and Consumer Science; Health, Safety and Physical Education) 22 Pa. Code, Chapter 4	March 2002, as proposed.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning, and assessment based on academic standards. These additional sets of standards will revise Chapter 4 by their inclusion. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
General Provisions—State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	March 2002, as final.	The proposed revisions to the regulations of the State Board of Private Licensed Schools will amend Section 73.1 (Definitions) to add a new definition of the term “Seminar” and modify the current definition of the term “Nonresident” and amend Section 73.151 relating to fees to allow the Board to raise sufficient revenue to offset its projected expenditures for fiscal year 2000-01 and 2001-02. These regulations are promulgated under the authority of the Private Licensed Schools Act, Act 174 of 1986 (1986, Dec. 15, P. L. 1585, No. 174, § 1, effective Jan. 1, 1987) (24 P. S. §§ 6501—6518).	Sharon Lane (717) 783-8228



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Vocational Education Standards 22 Pa. Code, Chapter 339	September 2002, as proposed.	Educational institutions offering vocational programming have evolved substantially since their inception. Many of the standards defining and governing those institutions were conceived over 30 years ago. A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18 on Vocational Education and section 2502.8 on Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a).	John C. Foster (717) 787-5530
22 Pa. Code, Chapter 191	March 2002, as final.	A new chapter in Pa. Code 22 will provide for procedures for calculating state subsidies for the National School Lunch and School Breakfast programs. These procedures are necessary to incorporate provisions of Act 16 of May 3, 2000, amending the Public School Code of 1949 (P. L. 30, No. 14) (24 P. S. § 1337.1).	Pat Birkenshaw (717) 783-6556
22 Pa. Code, Chapters 233 and 237 Professional Standards and Practices Commission By-laws; Definitions	In September, the Commission adopted amendments to its Statement of Policy (Chapter 233) and voted to announce its intent to adopt revisions to its Bylaws (Chapter 237). The Commission has initiated the appropriate review process for both Chapters.	The statements of policy and regulations defining specific terms are issued under the Professional Educator Discipline Act (24 P. S. § 2070.1 et seq.), which was recently amended by HB 2189 or Act 123 of 2000.	Carolyn Angelo (717) 787-6576
22 Pa. Code, Chapter 21 School Facilities	June 2002, as proposed.	Proposed revisions to State Board of Education regulations on school facilities.	Carle Dixon Earp (717) 787-5480
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapters A & B	The Secretary intends to submit revised standards in the Regulatory Review Process in 2002 since the current standards are outdated. The revised standards will reflect the changes in Chapter 14 and IDEA.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, NO 14, March 16, 1949, P. S. Section 1-101, et. seq.	Richard Brown (717) 783-6906

**EMERGENCY MANAGEMENT AGENCY**

No regulations being developed or considered at this time.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	April 2002, as final	Proposed rulemaking number 106-6 relates to the following: 1) electronic filing and service of legal documents; 2) withdrawal of appearance by counsel; 3) number of copies of documents to be filed with the Board; 4) attachment of proposed orders to motions and responses; 5) discovery; 6) reconsideration; and 7) composition of the certified record on appeal to the Commonwealth Court. In addition, the Board is proposing a reorganization of its rules of practice and procedure in order to make the rules more user-friendly for practitioners before the Board. The proposed rulemaking was published in the Pennsylvania Bulletin on November 10, 2001. On January 10, 2002, the Independent Regulatory Review Commission proposed minor changes regarding the clarification of the definitions of "electronic filing" and "registration statement."	Mary Anne Wesdock (412) 565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Stream Redesignations—Little Bush Kill, et al. Clean Streams Law	February 2002 as final	This stream redesignation package includes five streams or portions thereof that were evaluated for redesignation as High Quality (HQ) or Exceptional Value (EV) Waters. The Little Bush Kill (Pike Co.) was evaluated in response to a petition from Bushkill Falls. West Penn Township (Schuylkill Co.) petitioned for redesignation of Lizard Creek. Smithtown Creek (Bucks Co.) was studied as a result of a petition from the Smithtown Creek Watershed Association. The Pennsylvania Fish and Boat Commission (PFBC) requested evaluations of Oswayo Creek (Potter Co.) and Browns Run (Warren Co.). Minor corrective amendments are also included for Buck Hill Creek (Monroe Co.) and Slate Run (Lycoming Co.).	Bob Frey 717-787-9637
Stream Redesignations—Class A Wild Trout Streams Clean Streams Law	July 2002 as final	Nearly 70 streams were evaluated in response to a request from the PFBC under Section 93.4b of DEP's antidegradation regulations, which includes in subsection (a)(2)(ii) that a surface water designated as a Class A wild trout stream by the PFBC following public notice and comment qualifies for HQ designation. DEP independently reviewed the trout biomass data in the PFBC reports for these streams to ensure that the Class A criteria were met. A 45-day public comment period on the proposed rulemaking closed January 22, 2002.	Bob Frey, 717-787-9637
Stream Redesignations Clean Streams Law	Dates undetermined.	DEP has an ongoing program to evaluate streams for possible redesignation in the Water Quality Standards in Chapter 93. Evaluations are undertaken in response to petitions to the EQB as well as requests from the PFBC or DEP staff. DEP publishes a notice of assessment in the <i>Pennsylvania Bulletin</i> and local newspapers and requests technical information on each stream. A list of evaluations undertaken or needed and the status of each one can be found on the Bureau of Water Supply and Wastewater Management web page on DEP's website at <a href="http://www.dep.state.pa.us">www.dep.state.pa.us</a> . Following completion of a draft evaluation report, and if a redesignation is proposed, the recommendations will be presented to the EQB as proposed rulemaking either individually or as part of a group of streams.	Bob Frey 717-787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Stream Redesignations—Oysterville Creek, et al. Clean Streams Law	February 2002 as proposed	This stream redesignation package includes six streams or segments that were evaluated for redesignation as HQ or EV Waters. Oysterville Creek and a portion of the West Branch Perkiomen Creek (Berks Co.) were petitioned by the Berks County Conservancy and District Township. Two private citizens submitted a rulemaking petition for Trout Run (York Co.). Another private citizen petitioned for the redesignation of an unnamed tributary to Chester Creek (Delaware Co.). Rambo Run (York Co.) was evaluated in response to a request from the PFBC. The lower reaches of Cove Creek (Bedford Co.), previously petitioned by Friends of Cove Creek, was restudied based on DEP's recent change to the Percent Dominant Taxon biological metric used in HQ/EV evaluations. A 45-day public comment period will be recommended.	Robert Frey 717-787-9637
Stream Redesignations—Brushy Meadow Creek, et al. Clean Streams Law	August 2002 as proposed	This stream redesignation package includes 13 streams or segments that were evaluated for redesignation as Cold Water Fishes (CWF), HQ or EV Waters. Brushy Meadow Creek in Northampton County was evaluated due to a request from DEP's Northeast Regional Office and the PFBC. Crum Creek in Chester and Delaware Counties, Frya Run in Northampton County, and Green Lick Run in Fayette County were evaluated as a result of petitions. Hay Creek in Berks County was evaluated due to public concern following a 1999 final rulemaking that resulted in an EV designation in portions of Hay Creek. The Little Juniata River in Blair and Huntingdon Counties and Spring Creek in Dauphin County were evaluated due to a request from DEP's Southcentral Regional Office. Pine Creek in Crawford and Warren Counties and Dunbar Creek in Fayette County were evaluated due to requests from the PFBC. In addition, four streams not currently listed in Chapter 93 were evaluated to determine proper use designations. A 45-day public comment period will be recommended.	Bonita Moore 717-787-9637
Chapter 93—Great Lakes Initiative (GLI) Federal Clean Water Act	November 2002 as final	The amendment to Section 93.8a(j) (relating to requirements for the Great Lakes System) consists of the elimination of the words "except Subpart C" in the current GLI to provide consistency with the federal guidance promulgated by USEPA on November 15, 2000, for the Great Lakes System. The proposed rulemaking will provide greater protection for the Great Lakes System by eliminating the use of mixing areas for discharges of toxic and persistent chemicals known as bioaccumulative chemicals of concern (BCCs). Examples of BCCs are mercury, PCBs and dioxin. The proposed rulemaking was published on January 26, 2002, with a 45-day public comment period. The Water Resources Advisory Committee (WRAC) will review the draft final rulemaking.	Carol Young 717-783-2952

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 96—Water Quality Standards Implementation Clean Streams Law	November 2002 as final	Chapter 96 is amended to make the application of the sulfate and chloride criteria consistent with that already provided for total dissolved solids, nitrate, phenol and fluoride under Section 96.3(d). The proposed rulemaking was published on January 26, 2002, with a 45-day public comment period and a public hearing to be held February 26 in Harrisburg. WRAC will review the draft final rulemaking.	Carol Young 717-783-2952
Chapter 109—Safe Drinking Water Amendments (Public Notification/Consumer Confidence Report) Safe Drinking Water Act	May 2002 as final	These amendments incorporate recently-adopted federal initiatives, including the provisions of the Federal Consumer Confidence Report (CCR) Rule, revisions to the Public Notification (PN) regulations, and minor changes to the Lead and Copper Rule. The CCR and PN rules expand and clarify requirements that deal with the public's right to know what is in the water they receive from a regulated public water supplier. The proposal also includes several technical changes to address differences between state and federal regulations at 40 CFR 141 which involve primacy concerns. The Small Water Systems Technical Assistance Center (TAC) and WRAC will review the draft final rulemaking.	Lisa Daniels 717-772-2189
Radionuclides Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will amend Chapter 109 to incorporate the provisions of the recently-published federal Radionuclides Rule, which establishes a new Maximum Contaminant Level (MCL) for uranium and retains the current existing MCLs for gross alpha, combined radium-226/228 and beta and photon activity and establishes new monitoring requirements. The Radionuclides Rule applies to community water systems and does not include radon. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Filter Backwash Recycling Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will amend Chapter 109 to incorporate the provisions of the recently-promulgated federal Filter Backwash Recycling Rule, which governs the recycling of the filter backwash water within the treatment process of public water systems (PWSs). The Rule will apply to all PWSs that use a surface water source or groundwater under the direct influence of surface water, utilize direct or conventional filtration and recycle spent filter backwash water, sludge thickener supernatant or liquids from dewatering processes. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Arsenic Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will lower the MCL for arsenic from 0.05 mg/L to 0.01 mg/L at public water systems in order to eliminate or minimize the harmful health effects that are caused by arsenic. The proposed Arsenic Rule will affect all community water systems (approximately 2,190) and nontransient noncommunity water systems (approximately 1,280) in Pennsylvania. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Microbial and Disinfection Byproducts (M/DBP) Corrective Amendments Safe Drinking Water Act	November 2002 as proposed	This proposal will amend various provisions of the recently-promulgated Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Disinfectants and Disinfection Byproducts Rule (D/DBPR) for either clarification or to ensure consistency with federal regulations. The IESWTR and the D/DBPR were published in the <i>Pennsylvania Bulletin</i> on July 21, 2001. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Chapter 105—Dam Safety and Waterway Management Clean Streams Law; Dam Safety and Encroachments Act	December 2002 as proposed	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) is thoroughly reviewing the issues. The Agricultural Advisory Board (AAB) will also be briefed on developments.	Ken Reisinger 717-787-6827
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act	September 2002 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. The amendments have been identified through implementation of the program over the past five years. In addition, a general review of Chapter 245—which is necessary to obtain state program authorization for the underground storage tank program from the USEPA—occurred in the past year, and this review identified other potential revisions. The Storage Tank Advisory Committee (STAC) will review the draft amendments.	Ray Powers 717-772-5551
Amendments to the Hazardous Waste Regulations Solid Waste Management Act; Clean Streams Law	August 2002 as final	This proposal includes minor modifications to the hazardous waste amendments that were finalized on May 1, 1999, to address changes in the federal regulations since that time and for EPA approval as a federally authorized program. The modifications include minor “housekeeping” issues such as exceptions to the blanket substitution of DEP for USEPA where the federal authority cannot be delegated to a state. Other changes include correcting typographical errors and adding clarification or consistency in certain sections. A 30-day public comment period on the proposed rulemaking closed on January 14, 2002. The Solid Waste Advisory Committee (SWAC) will review a draft of the final rulemaking.	Rick Shipman 717-787-6239

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Provisions for the Management of Safe Fill Solid Waste Management Act; Clean Streams Law; Land Recycling and Environmental Remediation Standards Act	December 2002 as final	This proposal revises Chapter 287 of the residual waste regulations to address the unrestricted use of uncontaminated soil, including rock and stone, as safe fill provided that the soil has not been subject to a spill or release and there are no visible staining, odors or other sensory nuisances associated with the soil. The current definition of "clean fill" would be replaced with a new definition for "safe fill." The proposal will also include permit-by-rule requirements allowing restricted use of contaminated soils resulting from urbanization, pesticide use in fruit orchards, historic fill materials and Act 2 remediated soils. The proposed rulemaking was published February 2, 2002, with a 60-day public comment period and 3 public meetings and 3 public hearings. SWAC will review the draft final rulemaking.	William Pounds 717-787-7381
Prohibition on Open Burning of Recyclable Materials Air Pollution Control Act	May 2002 as proposed	This proposal will revise the open burning provisions of Section 129.14(c) to prohibit the burning of leaves, yard wastes and other recyclable materials in areas that have curbside recycling programs. The Air Quality Technical Advisory Committee (AQTAC) reviewed a draft of the proposal.	Terry Black 717-787-9495
Architectural and Industrial Maintenance (AIM) Coatings Air Pollution Control Act	September 2002 as final	This proposal will set specific volatile organic content (VOC) limits in grams/liter for 46 categories of AIM coating and require compliance by January 1, 2005. Compliance with these new limits would be reached through either reformulating products or substituting products with compliant coatings that are currently on the market. A 69-day public comment period on the proposed rulemaking concludes February 22, 2002. AQTAC will review the draft final rulemaking.	Terry Black 717-787-9495
Control of NOx from Cement Kilns and Stationary Internal Combustion Engines Air Pollution Control Act	September 2002 as proposed	This proposal will establish a program to limit the emissions of oxides of nitrogen (NOx) from cement kilns and large stationary internal combustion engines. These provisions are proposed to be included in Chapter 145 (Interstate Ozone Transport Reduction). These regulations were previously proposed as part of an earlier rulemaking, but will be re-proposed for additional public comment. NOx emission reductions are needed to help achieve ozone health-based standards in the eastern United States. AQTAC will review a draft of the proposal.	Dean Van Orden 717-787-9495
Portable Fuel Containers Air Pollution Control Act	July 2002 as final	This proposal is part of Pennsylvania's strategy to attain and maintain the one-hour National Ambient Air Quality Standard (NAAQS) for ozone. Based on the Ozone Transport Commission rule and the California Air Resources Board (CARB) program, the proposal will control VOC emissions from portable fuel containers by establishing permeability requirements designed to reduce the loss of gasoline through fuel container walls. The proposal also reduces gasoline loss due to spillage by adding "no-spill" fill spout requirements. Manufacturers will be responsible for developing and distributing compliant products for sale in Pennsylvania by January 1, 2003. The proposal does not affect portable fuel containers currently in use. A 67-day public comment period on the proposed rulemaking closed January 16, 2002. AQTAC will review the draft final rulemaking.	Terry Black 717-787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Consumer Products Air Pollution Control Act	July 2002 as final	This proposal is also part of Pennsylvania's strategy to attain and maintain the NAAQS for ozone. This proposal will set specific VOC content limits for approximately 80 consumer product categories, and it will apply more stringent VOC content limits than the Federal rule. The compliance date for the limits would be January 1, 2005. Manufacturers would ensure compliance with the limits by reformulating products and substituting products with compliant products that are currently available. The proposal will include some flexibility options. A 67-day public comment period on the proposed rulemaking closed January 16, 2002. AQTAC will review the draft final rulemaking.	Terry Black 717-787-9495
Emission Limits for Heavy-Duty Highway Diesel Vehicles Air Pollution Control Act	March 2002 as final	This proposal adopts California regulations to require 2005 and 2006 model year heavy-duty highway diesel engines to meet the same standards in effect for model years 2002 through 2004. The 2002-2004 standards resulted from consent decrees signed by the U.S. Department of Justice, the EPA and CARB with seven of the largest heavy-duty diesel engine manufacturers who violated certification regulations. The consent decrees require the manufacturers to meet new lower emission standards by October 1, 2002, for the two-year period. EPA has proposed supplemental standards and test procedures for 2004 and later model year engines, but will not be able to require them until model year 2007. Adopting the California regulations by Pennsylvania and other states will create a de facto national standard that would maintain the lower emission standards for 2005 and 2006 model year engines. AQTAC reviewed the draft final rulemaking.	Arleen Shulman 717-787-9495
Small Sources of NOx Air Pollution Control Act	April 2002 as proposed	The states in the Ozone Transport Region (OTR) have evaluated a number of NOx control strategies and developed draft model regulations that will help address the emission reduction shortfalls identified by EPA for three ozone nonattainment areas. This proposal would achieve NOx reductions from small sources that are not included in the Chapter 145 NOx reduction program. Many portions of the draft model regulation developed by the OTR are based on states' Reasonably Available Control Technology (RACT) rules. The 1996 Southeast Pennsylvania Stakeholders Working Group also recommended similar controls on a subset of these sources. AQTAC will review a draft of the proposal.	Dean Van Orden 717-787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits (ERCs). The Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of ERCs and the use of an "area wide" plant-wide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996; however, EPA has not yet issued final rules. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black 717-787-9495
Chapters 86-88 and 90—Coal Mine Permits/Road Requirements Surface Mine Conservation and Reclamation Act; Coal Refuse Disposal Control Act; Clean Streams Law	February 2002 as final	The amendments modify Chapters 86, 87, 88 and 90 for clarity and consistency with federal regulations. The changes relate to criteria for approval/denial of coal mine permits and to requirements concerning coal mine roads at surface coal mines and coal refuse disposal operations. The Mining and Reclamation Advisory Board (MRAB) reviewed the draft final rulemaking.	Nevin Strock 717-787-6842
Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act	February 2002 as proposed	This proposal adds new § 86.6 to clarify existing statutory requirements and ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act. Other changes involve the areas unsuitable for mining program in §§ 86.37(a)(5)(i) and 86.123(a). These amendments are proposed based on a recent law suit to clarify that a person may submit an application for a surface mining permit for an area designated unsuitable for mining, and that the application will be processed as a petition to terminate the existing designation.	Evan Shuster 717-783-9888



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 207—Underground Noncoal Mines General Safety Law	June 2002 as final	This proposal consolidates the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, <i>Pennsylvania Code</i> , Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. The proposal incorporates by reference the U.S. Mine Safety and Health Administration's (MSHA) regulations found at 30 CFR Part 57 and adds provisions to address certification of foremen as well as the licensing and duties of blasters. A 60-day public comment period on the proposed rulemaking will close February 6, 2002.	Richard Stickler 724-439-7469
<b>GENERAL SERVICES</b>			
Surplus State Property 4 Pa. Code, Chapter 41	Fall, 2002, as proposed	With the enactment of the Commonwealth Procurement Code (Act 57 of 1998) this Chapter must be substantially amended. Further, there is a need for review and revision of these regulations to implement improvements in the transfer and disposition of state surplus property.	Sharon P. Minnich (717) 787-5295
Responsibility 4 Pa. Code Chapter 60	Spring, 2002, as proposed	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Gary F. Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	Fall, 2002, as proposed	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Fall, 2002, as proposed	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa. Code, Chapter 65	Fall, 2002, as final	The legislation creating the State Art Commission was sunsetted	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Fall, 2002, as proposed	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Fall, 2002, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	Sheri Phillips (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Fall, 2002, as proposed	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	Sharon P. Minnich (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Fall, 2002, as proposed	Amendments are required because parking locations have been changed.	James W. Martin (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Fall, 2002, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Sharon P. Minnich (717) 783-1982

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Fall, 2002, as proposed	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> .	Sheri Phillips (717) 783-8720
First Amendment Rights 4 Pa. Code, Chapter 86	Fall, 2002, as proposed	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building.	Gregory C. Santoro (717) 787-5599
Prequalification 4 Pa. Code, Chapter 60	Spring, 2002, as proposed	Under the authority granted in the Commonwealth Procurement Code, the Department will initiate prequalification of public works contractors for Commonwealth projects. The regulations will provide factors to be considered in determining whether to prequalify contractors as well as provisions for suspending or revoking prequalification if contractors do not comply with prequalification standards.	Jan Matthew Tamanini (717) 787-6789
<b>HEALTH</b>			
Testing Blood and Alcohol Specimens Taken From Persons Who Die as a Result of a Vehicle Accident. 28 Pa. Code §§ 29.21 and 29.22	August 2002, as proposed.	The amendments to existing regulations will update testing procedures and make the regulations consistent with the authorizing statute. Pursuant to the section 3749 of the Vehicle Code, 75 Pa.C.S. § 3749, and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31).	Kenneth E. Brody 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	August 2002, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals. 28 Pa. Code § 101.1 et seq.	December 2002, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Tanya Leshko 717-783-2500
Birth Centers 28 Pa. Code § 501.1 et seq.	March 2002, as final.	The amendments to existing regulations will incorporate proposed newborn screening regulations. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.409b.	Carol Somerset-Griffie 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	February 2002, as final.	The amendments to existing regulations will make them consistent with current public health practices for the control of communicable and other reportable conditions. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Reporting of Certain HIV Test Results, CD4 T-Lymphocyte Counts Below a Certain Level, and Perinatal Exposure of Newborns to HIV 28 Pa. Code §§ 27.1-27.2, 27.21-27.22, 27.32, 27.32a—27.32d	July 2002, as final.	The amendments to existing regulations will add reporting of certain HIV test results, CD4 T-lymphocyte counts below a certain level, and perinatal exposure of newborns to HIV to the list of diseases, infections and conditions reportable to the Department of Health. The amendments will specify who is required to report these conditions and how the reporting is to be done. The amendments will also require clinical laboratories to report all reportable diseases, infections and conditions to the Department electronically. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code § 18.1; § 18.42	May 2002, as proposed.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Grace R. Schuyler 717-783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101.1 et seq.	June 2002, as proposed.	The amendments to existing regulations will bring the State regulations into compliance with changes in the Federal regulations (7 C.F.R. § 246) published December 29, 2000, relating to vendor selection criteria, training requirements, monitoring requirements and compliance investigations, and the vendor appeals process.	Karin Simpson Gutshall 717-783-2500
Health Facility Licensure/Hospices 28 Pa. Code § 651.1 et seq.	July 2002, as proposed.	These new regulations will provide standards for the licensing and regulation of hospices. They will, at a minimum, contain standards set forth in regulations for hospices certified as providers under the Medicare Program. Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Tanya Leshko 717-783-2500
Hearing Aid Sales and Registration/Continuing Education 28 Pa. Code § 25.201 et seq.	April 2002, as proposed.	The amendments to existing regulations will include continuing education requirements for hearing aid fitters, provide for 30-day money back written guarantees on hearing aids, and revise certification fees for consistency with the statute. Pursuant to Act 153 of 1998, amending the Hearing Aid Sales Registration Act, 35 P. S. §§ 6700-101—6700-802.	Tanya Leshko 717-783-2500
Newborn Screening 28 Pa. Code § 28.1 et seq.	April 2002, as final.	The amendments to the existing regulations will add four diseases to the list of required diseases for which newborns must be screened. The amendments will also prescribe the manner by which specimens are to be collected and tested. Pursuant to the Newborn Child Testing Act, 35 P. S. §§ 621—625.	Stephanie Michel-Segnor 717-783-2500
Drug and Alcohol Facility Physical Plant Standards 28 Pa. Code §§ 705.1—705.29.	February 2002, as final.	The amendments to existing regulations will establish health and safety requirements for the physical sites of all residential and nonresidential services. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101—1690.115.	Keith Fickel 717-783-2500
Narcotic Treatment Standards 28 Pa. Code §§ 701 and 715.	July 2002, as final.	The amendments to existing regulations will repeal 4 Pa. Code § 263, transfer regulations to Title 28, and amend and update narcotic treatment, including methadone treatment standards. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101—1690.115.	Keith Fickel 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prevention Activities 28 Pa. Code §§ 701 and 713.	June 2002, as final.	Existing regulations imposing standards for approval of drug and alcohol prevention activities will be repealed. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101—1690.115.	Keith Fickel 717-783-2500
Drugs Used in Optometric Practices 28 Pa. Code § 6.2	March 2002, as proposed.	The amendments to existing regulations will add substances to the list of drugs that may be used by certain optometrists. Pursuant to section 244.2 of the Optometric Practice and Licensure Act, 63 P. S. § 244.2.	Keith Fickel 717-783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
No regulations being developed or considered at this date.			
<b>INSURANCE</b>			
Objections and Procedure for Hearings on Reports of Examination, 31 Pa. Code, Chapter 58, §§ 58.1—58.3	Spring 2002, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. §§ 323.1—323.8).	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Charter Amendments, 31 Pa. Code, Chapter 65, §§ 65.21—65.26	Spring 2002, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility 31 Pa. Code, Chapter 67, §§ 67.21—67.28	Summer 2002, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Replace Life Insurance Annuities 31 Pa. Code, Chapter 81, §§ 81.1—81.9	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—82.91	Summer 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Disclosure in Solicitation of Life Insurance 31 Pa. Code, Chapter 83, §§ 83.1—83.57	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annuity Disclosure, (NEW Chapter 83a)	Spring 2002, as proposed.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Summer 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Life Insurance Illustrations (New Chapter 87a)	Summer 2002, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Long-Term Care Insurance, 31 Pa. Code, Chapter 89, §§ 89.901—89.921	Winter/Spring 2002, as final.	Repeal current regulation and adopt new regulation based on NAIC model regulation.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1—105.2	Spring 2002, as proposed.	Amend to apply to all types of insurers, reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	Winter/Spring 2002, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601—1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Licensing requirements are being proposed to be added to this regulation.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Management Contracts or Exclusive General Agent Agreements, 31 Pa. Code, Chapter 127, §§ 127.1—127.8	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Spring 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Summer 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Privacy of Consumer Health Information, 31 Pa. Code, Chapter 146b	Spring 2002, as proposed.	NEW. This implements the NAIC model privacy regulation with respect to health information in accordance with the health privacy regulations of the U.S. dept. of health and Human Services and the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.).	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	Winter/Spring 2002, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Underground Storage Tank Indemnification Fund Fees	Winter/Spring 2002, as final-omitted.	Update the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). The new fee structure is based off the actuarial study performed in 2001.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Workers' Compensation Security Fund Assessment Regulation, xx Pa. Code (new chapter)	Spring 2002, as proposed.	HB1370 passed the GA in 2000 allowing the Fund to develop a regulatory scheme to finance the obligations of the Fund. The proposed regulation will establish reporting requirements for licensed worker's compensation carriers and assessment calculations.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
<b>LABOR AND INDUSTRY</b>			
Workers' Compensation Bureau, Workers' Compensation Judges, and Workers' Compensation Appeal Board regulations at 34 Pa. Code Chapters 131, 121, and 111.	Fall 2001, withdrawn as final form and re-submitted as proposed.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation. The Department withdrew the final form regulations and re-submitted because of comments submitted by the Attorney General's Office.	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	Anticipate submitting as proposed in Spring, 2003.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	Will be addressed through Act 45 regulations. (See Act 45 regs below.)	Dry Cleaning Law, Act of December 19, 1990, P. L. 1327, No. 214, 35 P. S. 1270.1 et seq. This proposal will regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Elevators and Lifting Devices	Will be addressed through Act 45 regulations. (See Act 45 regs below.)	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	James Varhola (717) 787-3329
Unemployment Compensation Regulations, Title 34. Labor & Industry Regulations	Currently preparing final form regulations and anticipate submitting to IRRC in Winter, 2002.	The proposed regulation will clarify the meaning of reasonable assurance as it applies to the eligibility of the employees of educational institutions during regularly scheduled non-school periods. Under Section 402.1 of the PA UC Law, a school employe is not eligible for benefits based on school employment during a regularly scheduled non-school period when the individual performed services for a school employer prior to the break and has a reasonable assurance of performing such services following the break.	Jeri Morris (717) 787-6337
Asbestos Occupations Accreditation and Certification	June 2001, as proposed.	Act of December 19, 1990, P. L. 05, No. 194, 64 P. S. §§ 2101—2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Uniform Construction Code (UCC) regulations. Act 45 of 1999.	The Training and Certification portion was submitted as proposed in Spring, 2001. Anticipate submitting in final form in Winter/Spring, 2002. Anticipate submitting Administrative regulations as proposed in Summer, 2002.	Act 45 of 1999, providing for a uniform statewide building code, requires the Dept. of L&I to promulgate regulations. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire & Panic Act, the regulations pursuant to each (including those for Personal Care Homes), will be addressed through regulations for Act 45. Personal Care Home regs, previously submitted to OGC, were withdrawn and provisions not addressed in Act 45 regs will be addressed through legislative measure.	Edward L. Leister (717) 787-3323
<b><i>MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND</i></b>			
Payment and Collection of Fund Surcharge 31 PA. Code §§ 242.1 et. seq.	June 2002, as proposed.	This regulation will clarify and update the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge. The regulation will clarify the guidelines and requirements governing proper administrative and financial operations of the Fund, and will provide uniform procedures to be used in conducting mediation. Statutory authority 40 P. S. §§ 1301.701 et seq.	Kenneth J. Serafin 717-783-3770
<b><i>MILITARY AND VETERANS AFFAIRS</i></b>			
State Veterans Home 43 Pa. Code Section 7.1 et. seq.	October 2002, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclenus Wright, Jr. 717-861-8503
<b><i>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</i></b>			
See Public School Employees' Retirement System.			
<b><i>PROBATION AND PAROLE</i></b>			
No regulations being developed or considered at this date.			
<b><i>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</i></b>			
22 Pa. Code Chapter 213	Publication anticipated within 3 months	This proposal is being made to conform the Board's regulations with the policy adopted by the Board at its December 2, 1998 meeting allowing actuarial debt reduction for purchases of service.	Frank Ryder (717) 720-4733

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>PUBLIC WELFARE</i></b>			
Child Protective Services Law 55 Pa. Code Ch. 3490	June 2002, as final	This regulation incorporates the amendments to the Child Protective Services Law as a result of Act 127 of 1998. The major changes include: convening of an investigative team for the investigation of suspected child abuse; increased communication between county agencies and law enforcement officials; increased requirements for multi-disciplinary teams; increasing the length of time unfounded reports are retained; and expanded reporting requirements by county agencies to law enforcement officials.	Tom Vracarich (717) 783-2209
Adolescent and Adult Part Day Regulations 28 Pa. Code Chs. 704 and 709 (Subchapters C, H and I) (3 facility types)  Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Ch. 2390  Vocational Facilities 55 Pa. Code Chapter 2380  Adult Training Facilities 55 Pa. Code Chapter 5200  Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5210  Partial Hospitalization 6 Pa. Code Chapter 11  Older Adult Daily Living Centers	March 2002 as proposed.	DPW, DOH and PDA are consolidating nine sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative standards and common health and safety standards for all facilities included, as well as unique program standards for each facility type.	Tom Vracarich (717) 783-2209



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Adult Residential Regulations 28 Pa. Code Chapters 704 and 709 (Subchapters C and E)</p> <p>(2 facility types) Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Chapter 6500</p> <p>Family Living Homes 55 Pa. Code Chapter 5310</p> <p>Community Residential Rehabilitation Services for the Mentally Ill 55 Pa. Code Chapter 5320</p> <p>Long Term Structured Residence 55 Pa. Code Chapter 2620</p> <p>Personal Care Home Licensing Also (no current regs.—regulated under Article X):</p> <p>Residential Treatment Facilities for Adults</p> <p>Residential Crisis Intervention</p>	April 2002, as proposed.	DPW, DOH and PDA are consolidating eight sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative and health and safety standards for all facilities included, as well as unique program standards for each facility type. However, at this time, the Department has prioritized Personal Care Home Licensing regulations for proposed publication.	Tom Vracarich (717) 783-2209
Administration of County Children and Youth Programs 55 Pa. Code Ch. 3130	January 2003, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the final form federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include: Permanency Hearings and the matters to be determined; requirements related to reasonable efforts including aggravated circumstances, contrary to the welfare and best interests; and redefining permanency goals for children.	Tom Vracarich (717) 783-2209
Subsidized Child Day Care Eligibility 55 Pa. Code Ch. 3040	October 2002, as proposed.	This regulation is proposed in order to clarify existing regulations relating to eligibility requirements for day care subsidy.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance Throughout Pregnancy 55 Pa. Code Chs. 140, 181	September 2002, as proposed	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workfare/Community Service 55 Pa. Code Chs. 166, 275	December 2002, as proposed	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Real Property Liens 55 Pa. Code Chs. 101, 121, 177, 183, 257, 297	June 2002, as proposed.	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257, regarding Reimbursement. Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal History* 55 Pa. Code Chs. 125, 133, 141	October 2002, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—Provisions Effective March 3, 1997 * 55 Pa. Code Chapters 105, 125, 133, 140, 141, 145, 151, 153, 165, 168, 177, 178, 181, 183, 187, 255	March 2002, as proposed	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Support Rights 55 Pa. Code Ch. 187	October 2002, as proposed	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Annuity Rule 55 Pa. Code Ch. 178	October 2002, as proposed	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Food Stamp Disqualification Penalties 55 Pa. Code Ch. 501	October 2002, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Employment Requirements for Two-Parent Households: Definition of Unemployment* 55 Pa. Code Chapters 153, 178	June 2002, as proposed	This regulation codifies the provision in the current Temporary Assistance for Needy Families (TANF) State Plan that DPW is revising the definition of unemployment so that working parents who meet financial eligibility requirements and are otherwise eligible may receive TANF until their income exceeds eligibility limits or they exhaust their 60 months of TANF. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Family Violence Option 55 Pa. Code Ch. 187	November 2002, as proposed.	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification, and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Lump Sum Income (Cash) 55 Pa. Code Ch. 183	June 2002, as Final	This regulation codifies provisions to specify that lump sum is considered income in the month of receipt and a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OBRA '90 55 Pa. Code Chs. 140, 178, and 181	November 2002, as proposed	This regulation codifies changes resulting from OBRA '90 that affect the SSI program and, therefore, the SSI-related program in the areas of income and resources. OBRA '90 also provides a mandatory change to the post-eligibility requirements for institutionalized Medicaid eligibles who will have their VA pension reduced to \$90 but that will now not be counted in determining cost of care. Thus, SSI and Medicaid recipients will be positively impacted. The reduction that veterans will contribute toward cost of care will increase federal/state costs but will not affect service delivery. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups	Tom Vracarich (717) 783-2209
20% Hardship Exemption for TANF 55 Pa. Code Ch. 141	February 2002, as proposed	This regulation codifies provisions that extend TANF beyond 60 months to up to 20% of the average monthly caseload based on hardship or domestic violence issues. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Increases in Payment for Burial and/or Cremation 55 Pa. Code Ch. 285	June 2002, as proposed	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance for Workers with Disabilities 55 PA. Code Chapter 140	March 2002, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	March 2002, as proposed	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides healthcare coverage for treatment of breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	November 2002, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Early and Periodic Screening Diagnosis Treatment (EPSDT)* 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2002, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance Case Management Services * 55 Pa. Code Chapter 1239	January 2003, as final omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OMNIBUS MA * 55 Pa. Code Chapters 1101, 1121, 1149	September 2002, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
OMNIBUS Pharmacy * 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	June 2002, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for Mental Health Services* 55 Pa. Code Chapters 1157, 1165	December 2002, as final omitted	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Early Intervention Services* 55 Pa. Code Chapters 4225, 4226	July 2002, as final	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
Behavioral Health Rehabilitation Services* 55 Pa. Code Chapter 1154	December 2002, as proposed	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife* 55 Pa. Code Ch. 1141	June 2002, as final omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program* 55 Pa. Code Ch. 1150	July 2002, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Capital Component Payment for Replacement Beds 55 Pa. Code Ch. 1187	July 2003, as proposed.	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
New Definition of "Emergency Medical Condition"* 55 Pa. Code Chs. 1101, 1141, 1150, 1221	April 2002, as proposed	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Definition of Medically Necessary 55 Pa. Code Ch. 1101	April 2002, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Provision of Drug and Alcohol Treatment 55 Pa. Code Ch. 1223	June 2002, as final omitted	This final regulation eliminates the need for the supervisory physician to perform a physical exam within 15 days following intake and before the provision of treatment. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Invoicing for Services 55 Pa. Code Ch. 1101	June 2002, as final omitted.	This regulation revises the invoice submission requirements for nursing facilities. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Exceptional Payments for Durable Medical Equipment 55 Pa. Code Ch. 1187	February 2002, as final omitted	This regulation provides for payment for exceptional DME separate from and in addition to the case mix payment rate. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	July 2002, as final omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by MAAC.	Tom Vracarich (717) 783-2209
Dental Services 55 Pa. Code Chapter 1149	December 2002 as final omitted	This final regulation will provide coverage for core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by MAAC.	Tom Vracarich (717) 783-2209
Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187	September 2002, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>REVENUE</b>			
Employer Returns and Other Withholding Provisions 61 Pa. Code §§ 113.2, 113.3, 113.3a, 113.3b, 113.3c, 113.4, 113.4a, 113.7 and 121.16	June 2002, as final.	The Department is proposing amendments to various withholding regulatory sections, including requiring an employer who is required to file 250 or more withholding statements, to forward to the Department the reconciliation statement with such withholding statements via electronic or magnetic media as specified in the instructions of the Department. In addition, § 121.16 is amended to delete language relating to the filing of a W-2 with Form PA-40 as evidence of taxes withheld.	Douglas A. Berguson 717-787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	June 2002, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Master Settlement Agreement 61 Pa. Code §§ 71.31—71.33	June 2002, as final.	On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the Commonwealth. On June 22, 2000, Act 54-2000, known as the Tobacco Settlement Agreement Act, was signed into law. Pursuant to Act 54, the Department is proposing a regulation which describes the responsibilities for participating and nonparticipating tobacco product manufacturers and cigarette stamping agents.	Douglas A. Berguson 717-787-1382
Partial Refunds For Bad Debts 61 Pa. Code §§ 33.3 and 33.5	June 2002, as final.	This regulation explains the application of section 247.1 of the TRC (72 P. S. § 7247.1) relating to partial refund of sales tax attributed to bad debts.	Douglas A. Berguson 717-787-1382
Powerball 61 Pa. Code §§ 871.1—871.20	July 2002, as final.	This regulation will provide the rules required to implement the Powerball game in this Commonwealth.	Douglas A. Berguson 717-787-1382
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	June 2002, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas A. Berguson 717-787-1382
Small Games of Chance Amendments 61 Pa. Code, Part VII	September 2002, as proposed.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Douglas A. Berguson 717-787-1382
Supplemental Unemployment Benefit Plan 61 Pa. Code §§ 101.1 and 101.6	March 2002, as final.	This regulatory amendment will provide an explanation of the meaning and scope of the exclusion from compensation in section 301(d)(vi) of the TRC (72 P. S. § 7301(d)(vi)) for employer or labor union payments for supplemental unemployment programs. The changes will address the tax treatment of programs offered to provide supplemental benefits to employees terminated from service as a result of layoff, workforce reduction, plant closings or other involuntary terminations.	Douglas A. Berguson 717-787-1382



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Support Offset and Other Personal Income Tax Provisions	June 2002, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas A. Berguson 717-787-1382
Termination Pay, Severance Pay and Early Retirement Incentive Programs 61 Pa. Code §§ 101.1 and 101.6	March 2002, as final.	This regulatory change will clarify the taxation of termination pay, severance pay, early retirement incentive programs and programs offered by employers to provide benefits to employees in addition to those in qualifying retirement plans upon separation from service. This regulation also interprets section 301(d) of the TRC (72 P. S. § 7301(d)) to mean that Federal insurance benefits paid under the Railroad Retirement Act and guaranteed payments to a partner of a partnership for services to the partnership are excluded from compensation.	Douglas A. Berguson 717-787-1382
Vending Machines 61 Pa. Code § 31.28	March 2002, as final.	This regulation sets forth the Department's interpretation of Act 45-1998 as it relates to vending machines.	Douglas A. Berguson 717-787-1382
<b>SECURITIES COMMISSION</b>			
No regulations being developed or considered at this time.			
<b>STATE</b>			
State Athletic Commission General Revisions—58 Pa. Code, Chapter 21. (16-17)	Winter 2002, as final.	The regulation would make comprehensive revisions to reflect statutory changes in the Pennsylvania Athletic Code and changes in Commission procedures. Statutory authority: 5 Pa.C.S. § 101 et seq.	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries General Revisions—13 Pa. Code, Chapters 201-209. (16A-662)	Winter 2002, as final.	The regulation would make comprehensive revisions to eliminate obsolete provisions and reflect statutory changes. Statutory authority: 55 P. S. § 31 and 71 P. S. § 670.2(4).	L. Lawrence Boyle (717) 787-6458
State Architects Licensure Board— Examination Fees and Annual Filing Fee for Registered Architecture Firms 49 Pa. Code, Chapter 9. (16A-416)	Winter 2002, as proposed.	The regulation would eliminate national ARE examination fees; add a section adopting the national board examination; consolidate all examination requirements into one section; and as the result of adoption of the national board examination, delete any provisions related to, among other things, the processing of applications, scores and the conduct of examinations. The regulation also would provide for a filing fee for registered partnerships, professional associations, professional corporations or business corporations, which is permitted under the Architects Licensure Law, but has never been implemented. Statutory authority: Sections 8 and 13(h) of the Law, 63 P. S. §§ 34.8, 34.13(h).	Dorna Thorpe (717) 783-1253
State Board of Accountancy General Revisions—49 Pa. Code, Chapter 11. (16A-559)	Winter 2002, as proposed.	The regulation would repeal outdated and unnecessary requirements; clarify certain issues relating to examination, certification and practice; and make editorial changes. Statutory authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3(10)—(12).	Dorna Thorpe (717) 783-1253

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Auctioneer Examiners Update of Examination Fees—49 Pa. Code § 1.41. (16A-645)	Spring 2002, as proposed.	The regulation would update the Board's examination fee. Statutory authority: Section 6(a) of the Act, 63 P. S. § 734.6(a).	Michelle Demerice (717) 783-3399
State Board of Barber Examiners Sanitation/General Revisions—49 Pa. Code, Chapter 3. (16A-424)	Winter 2002, as final.	The regulation would revise and update the entire chapter and repeal antiquated provisions, particularly with regard to standards for disinfection and sanitation. Statutory authority: Section 15-A.4(b) of the Barber License Law, 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-1261
Deletion of Examination Fees—49 Pa. Code, Chapter 3. (16A-425)	Spring 2002, as proposed.	The regulation would delete licensing examination fees. Statutory authority: Section 14 of the Law, 63 P. S. § 564.	
State Board of Certified Real Estate Appraisers—Experience Options for Certification, Duties of Supervising Appraiser—49 Pa. Code §§ 36.13 and 36.14. (16A-706)	Spring 2002, as proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record-keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation is consistent with standards established for state appraiser boards by the federal Appraiser Qualification Board (AQB). Statutory authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-7129
Standards of Practice—49 Pa. Code § 36.51. (16A-7012)	Spring 2002, as proposed	The regulation would require all certified general appraisers, residential appraisers and broker/appraisers to comply with the USPAP unless the Board has adopted supplemental practice standards. Statutory authority: Section 5(2) of the Act, 63 P. S. § 457.5(2).	
Update of Application and Related Fees—49 Pa. Code § 36.6. (16A-7011)	Spring 2002, as final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 9 of the Act, 63 P. S. § 457.9.	
Broker/Appraiser Continuing Education—49 Pa. Code § 36.41. (Number not yet assigned)	Winter 2002, as final, proposed-omitted.	The regulation would establish continuing education requirements for broker/appraisers pursuant to Act 103 of 2000. Statutory authority: Section 10(b) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.10(b).	
Biennial Renewal Fee—49 Pa. Code §§ 36.6, 36.41, 36.261. (Number not yet assigned)	Summer 2002, as proposed	The regulation would establish a revised biennial renewal fee for broker/appraisers and other certificate holders of the Board. Statutory authority: Sections 5(6) and 9 of the Real Estate Appraisers Act, 63 P. S. §§ 457.5(6) and 457.9.	
Act 48-1993 Civil Penalties—49 Pa. Code, Chapter 43b. (Number not yet assigned)	Spring 2002, as proposed.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory authority: Section 5(a) of Act 48-1993, 63 P. S. § 2205(a).	
State Board of Cosmetology—Deletion of Examination Fees—49 Pa. Code § 7.2. (16A-4510)	Spring 2002, as final.	The regulation would amend the Board's fee schedule by deleting references to examination fees, which are determined by contract. Statutory authority: Sections 11 and 16 of the Law, 63 P. S. §§ 517, 522.	Sara Sulpizio (717) 783-1261
General Revisions—49 Pa. Code §§ 7.1—7.142. (16A-459) (Includes previous 16A-454 and 16A-457)	Spring 2002, as proposed.	The regulation would make comprehensive revisions to Chapter 7 to bring existing regulations up-to-date and to clarify requirements for sanitation and the provision of advanced aesthetic services. Statutory authority: Section 11 of the Law, 63 P. S. § 517.	

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Act 48-1993 Civil Penalties—49 Pa. Code, Chapter 43b.	Spring 2002, as proposed.	The regulation would establish a schedule of Act 48-1993 civil penalties for violations of the Beauty Culture Law and the Board's regulations. Statutory authority: Section 5(a) of the Act, 63 P. S. § 2205(a).	
State Board of Dentistry—Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia—49 Pa. Code §§ 33.331—33.344. (16A-4610)	Fall 2002, as final.	The regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and legislative concerns. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	Lisa Burns (717) 787-1762
Sexual Misconduct—49 Pa. Code, Chapter 33. (Number not yet assigned)	Summer 2002, as proposed.	The regulation would address acts of a sexual nature that the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Section 3(o) of the Law, 63 P. S. § 122(o).	
Update of Application Fee for Dental Radiology—49 Pa. Code, Chapter 33. (16A-4611)	Spring 2002, as proposed.	The regulation would amend the Board's fee schedule to reflect the actual cost incurred by the Board to authorize applicants to perform radiologic services. Statutory authority: Section 3(o) of the Law, 63 P. S. § 122(o).	
Expanded Function Dental Assistants—49 Pa. Code § 33.103 (Number not yet assigned)—	Spring 2002, as proposed.	The regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory authority: Section 3(o) of the Law, 63 P. S. § 122(o).	
State Board of Examiners of Nursing Home Administrators—Deletion of Examination Fees—49 Pa. Code § 39.72. (16A-628)	Winter 2002, as proposed.	This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).	Chris Stuckey (717) 783-4856
Requirements for Admission to Examination—49 Pa. Code § 39.5.(16A-627)	Spring 2002, as proposed.	The regulation would update and revise the requirements for admission to the licensing examination. Statutory authority: Section 4(c) of the Act, 63 P. S. § 1104(c).	
State Board of Examiners in Speech-Language and Hearing—Continuing Education—49 Pa. Code, Chapter 45. (Number not yet assigned)	Spring 2002, as proposed.	The regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).	Clara Flinchum (717) 783-1389
Assistant Regulations—49 Pa. Code §§ 45.301-308. (16A-6801)	Spring 2002, as proposed.	The regulation would update provisions pertaining to assistants. Statutory authority: Section 5(8) of the Act, 63 P. S. § 1705(8).	
Act 48 of 1993 Civil Penalties—49 Pa. Code § Chapter 43b. (16-29)	Spring 2002, as proposed.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(2) of the Act, 63 P. S. § 1705(2).	
State Board of Funeral Directors—Update of Application/Certification/Verification/Reinsertion Fees—49 Pa. Code § 13.12. (16A-482)	Winter 2002, as final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.	Cheryl Lyne (717) 783-7129

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Unprofessional Conduct—49 Pa. Code § 13.201, 202. (16A-483)	Spring 2002, as proposed.	The regulation would add to the Board's standards of practice and conduct. Statutory authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	
General Regulation Update—49 Pa. Code § 13.1 et seq. —Advertising (16A-484) —Application (16A-485) —Facility (16A-486) —Qualifications (16A-487) —Supervisor (16A-488)	Spring 2002, as proposed.	The regulation would update provisions relating to advertising, applications, facilities, qualifications, and supervisors. Statutory authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	
Continuing Education—49 Pa. Code, Chapter 13. (16A-489)	Winter 2002, as proposed.	The regulation would implement Act 48 of 2000, which required the Board to promulgate regulations related to continuing education requirements. Statutory authority: 63 P. S. § 479.10(b).	
Limited License—49 Pa. Code §§ 13.1, 13.12, and 13.77. (16A-4810)	Spring 2002, as proposed.	The regulation would implement Act 48 of 2000, which authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: 63 P. S. § 479.9(c).	
State Board of Landscape Architects— Establishment of Examination Fees—49 Pa. Code § 15.12. (16A-616)	Spring 2002, as proposed.	The regulation would establish a new examination fee. Statutory authority: 63 P. S. § 904(2).	Shirley Klinger (717) 783-4865
General Revisions—49 Pa. Code, Chapter 15. (Number not yet assigned)	Summer 2002, as proposed	The regulation would entail general revisions of the Board's current regulations. Statutory authority: 63 P. S. § 904(9).	
State Board of Medicine— General Delegation—49 Pa. Code, Chapter 16. (16A-4912)	Summer 2002, as final.	The regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	Cindy Warner (717) 787-7768
Update of Fees—49 Pa. Code §§ 16.13, 16.17, 18.303. (16A-4910)	Winter 2002, as final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 6 of the Act, 63 P. S. § 422.6.	
Sexual Misconduct—49 Pa. Code, Chapter 16. (16A-497)	Summer 2002, as final.	The regulation would address acts of a sexual nature that the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Section 8 of the Act, 63 P. S. § 422.8.	
State Board of Nursing— RN General Revisions—49 Pa. Code §§ 21.1—21.126. (16A-516)	Spring 2002, as final.	The regulation would update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7143
LPN General Revisions—49 Pa. Code §§ 21.141—21.234. (16A-519)	Spring 2002, as proposed.	The regulation would update or repeal outdated provisions pertaining to licensed practical nurses and consolidate all regulatory provisions pertaining to practical nurse education programs. Statutory authority: 63 P. S. § 667.6.	
Conscious Sedation—49 Pa. Code § 21.14. (16A-5114)	Spring 2002, as proposed.	The regulation would embody the statement of policy on conscious sedation at 49 Pa. Code § 21.413(d). Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Oral Orders—49 Pa. Code §§ 21.14; 21.145. (16A-5115)</p> <p>CRNP Programs—49 Pa. Code §§ 21.260-278, 286-289. 16A-5119</p> <p>Update of CRNP Prescriptive Authority Fees—49 Pa. Code § 21.253. (16A-5116)</p> <p>CRNP Prescriptive Authority Continuing Education—49 Pa. Code § 21.253. (16A-5117)</p> <p>Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Summer 2002, as final.</p> <p>Spring 2002, as proposed.</p> <p>Spring 2002, as proposed.</p> <p>Winter 2002, as proposed.</p> <p>Spring 2002, as proposed.</p>	<p>This regulation would delete the prohibition on LPNs accepting oral orders in other than urgent circumstances. Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k), and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.</p> <p>The regulation would establish requirements for CRNP education programs approved by the Board. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p> <p>This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory authority: Section 11.2 of the Law, 63 P. S. § 221.2.</p> <p>The regulation would address continuing education requirements associated with the prescriptive authority of CRNPs. Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).</p> <p>The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Professional Nursing Law. Statutory authority: 63 P. S. §§ 225.4 and 664(4).</p>	
<p>State Board of Occupational Therapy Education and Licensure—Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Spring 2002, as proposed.</p>	<p>The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and the Board's regulations. Statutory authority: 63 P. S. § 1505(b).</p>	<p>Lisa Burns (717) 783-4853</p>
<p>State Board of Optometry—General Revisions—49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)</p> <p>Continuing Education—49 Pa. Code, §§ 23.82, 23.83, 23.87. (16A-529)</p>	<p>Spring 2002, as proposed.</p> <p>Spring 2002, as proposed.</p>	<p>The regulation would make general revisions to current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).</p> <p>This regulation would amend the continuing education requirements of licensees. Statutory authority: Section 3(b)(12) and Section 4.1(b) of the Act, 63 P. S. §§ 244.3(b)(12), 244.4a.(b).</p>	<p>Deb Smith (717) 783-4860</p>
<p>State Board of Osteopathic Medicine Sexual Misconduct—49 Pa. Code, Chapter 25. (16A-539)</p>	<p>Winter 2002, as proposed.</p>	<p>The regulation would address acts of a sexual nature that the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.</p>	<p>Gina Bittner (717) 783-2440</p>
<p>State Board of Pharmacy—Reference Library and Facsimile Machines—49 Pa. Code, Chapter 27. (16A-549)</p> <p>Technology Regulations—49 Pa. Code, Chapter 27. (Number not yet assigned.)</p>	<p>Winter 2002, as final.</p> <p>Spring 2002, as proposed.</p>	<p>The proposal would amend pharmacy reference library requirements to reflect contemporary pharmaceutical practices and facsimile machine requirements to be consistent with recent changes in Federal law. Statutory authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).</p> <p>The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory authority: Sections 4(j) and 6(k)(1) and (9) of the Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).</p>	<p>Melanie Zimmerman (717) 783-4853</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Physical Therapy— Physical Therapists—49 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659)	Spring 2002, as proposed.	The regulation would correct and revise existing regulations regarding physical therapists. Statutory authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Bob Kline (717) 783-4861
Sexual Misconduct—49 Pa. Code, Chapter 40. (16A-656)	Winter 2002, as final.	The regulation would address acts of a sexual nature that the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Sections 3, 5 and 10.2 of the Act, 63 P. S. §§ 1303, 1305 and 1310.2.	
Deletion of Examination Fees—49 Pa. Code § 40.5. (16A-658)	Winter 2002, as final.	This regulation would delete licensing examination fees. Statutory authority: Section 8 of the Act, 63 P. S. § 1308.	
State Board of Podiatry— Update of Application Fees and Deletion of Examination Fees—49 Pa. Code, Chapter 29. (16A-444)	Winter 2002, as final.	This regulation would apportion costs of providing Board services to specific applicants and licensees and eliminates references to examination fees. Statutory authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Gina Bittner (717) 783-2440
Update of Biennial Renewal Fees—49 Pa. Code, Chapter 29. (16A-445)	Winter 2002, as proposed.	The regulation would increase the biennial license renewal from \$175 to \$395. Section 14(a) of the Act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period. Section 14(b) of the Act requires the Board to increase fees by regulation in the amount that adequate revenues are raised to meet the required enforcement efforts, when the fees established by the Board are inadequate to meet the minimum enforcement efforts required by the Act. Statutory authority: Sections 14(a) and (b) of the Act, 63 P. S. §§ 42.14(a), (b).	
Continuing Education—49 Pa. Code, Chapter 29. (16A-446)	Spring 2002, as proposed.	The regulation would amend the current continuing education provision at 49 Pa. Code § 29.61 to include pre-approved course providers. Statutory authority: Section 9 and 9.1 of the Act, 63 P. S. §§ 42.9 and 42.9a.	
Sexual Misconduct—49 Pa. Code, Chapter 29. (Number not yet assigned)	Summer 2002, as proposed.	The regulation would address acts of a sexual nature that the Board deems unprofessional when occurring during or resulting from a professional relationship. Statutory authority: 63 P. S. § 42.1	
State Board of Psychology— Ethics Amendment—49 Pa. Code § 41.59(b). (16A-639)	Spring 2002, as final.	The regulation would amend the Board's continuing education regulations at Section 41.59(b) by clarifying that licensees must take ethics each biennial period and that extra ethics credits may only be counted toward the total needed rather than the ethics requirement for a future biennial period. Statutory authority: Section 3.2 of the Professional Psychologists Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-4856
Computerized Examination—49 Pa. Code §§ 41.41, 41.42. (16A-6310)	Summer 2002, as proposed.	The regulation would update current provisions to reflect changes associated with the computerization of the national and state examinations. Statutory authority: Section 3.2 of the Act, 63 P. S. § 1203.2(2).	
Deletion of Examination Fees—49 Pa. Code § 41.12. (16A-6311)	Winter 2002, as final.	This regulation would delete licensing examination fees in Section 41.12. Statutory authority: Sections 3.2(1) and 3.2(3)(d) of the Act, 63 P. S. §§ 1203.2(1), 1203.3(d).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Ethics Principles—49 Pa. Code § 41.61. (Number not yet assigned)	Spring 2002, as proposed.	The regulation would amend Principles 2(b) and 7(i) of the Board's Code of Ethics. Statutory Authority: 63 P. S. § 1203.2(2).	
Doctoral Degrees in Psychology—49 Pa. Code § 41.31. (16A-6313)	Summer 2002, as proposed	The regulation would address accreditation requirements for doctoral degrees in fields related to psychology. Statutory authority: 63 P. S. §§ 1203.2(1) and 1206(a)(2)(ii).	
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Licensure Regulations—49 Pa. Code, Chapter 47. (16A-694)	Winter 2002, as final.	The regulation would add Licensed Clinical Social Workers, Marriage and Family Therapists and Professional Counselors as new licensure classes. Statutory authority: Sections 1 to 20.2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1901—1920.2.	Clara Flinchum (717) 783-2454
Update of Existing Fees and Establishment of Fees for New Licensure Classes—49 Pa. Code, Chapter 47. (16A-695)	Spring 2002, as final.	The regulation would update the schedule of fees for Licensed Social Workers and Continuing Education providers and establishes fees for Licensed Clinical Social Workers, Marriage and Family Therapists and Professional Counselors. Statutory authority: Section 18(c) of the Act, 63 P. S. § 1918(c).	
State Board of Vehicle Manufacturers, Dealers and Salespersons—Consignment Sales—49 Pa. Code § 19.19. (16A-601)	Winter 2002, as proposed.	The regulation would set forth the standards by which dealers may engage in consignment sales. Statutory authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Teresa Woodall (717) 782-8377
General Revisions—49 Pa. Code § 19.1 <i>et seq.</i> (16A-602)	Winter 2002, as final.	The regulation would update the Board's regulations consistent with the 1996 amendments to the Act. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	
Auction License—49 Pa. Code § 19.21. (16A-603)	Winter 2002, as proposed.	The regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	
Display Requirements—49 Pa. Code § 19.18. (16A-604)	Winter 2002, as proposed.	The regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	
Unlicensed Locations—49 Pa. Code § 19.18. (16A-605)	Winter 2002, as proposed.	The regulation would define the term "display" as used in the Act to be consistent with the Commonwealth Court's holding in <i>Spankey's Auto Sales</i> , 773 A.2d 206 (Pa. Commw. Ct. 2001), permitting vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory authority: Sections 2, 4(4) and (9), and 5(e) of the Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), 818.5(e).	
Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)	Spring 2002, as proposed.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Veterinary Medicine Prescription Drugs—49 Pa. Code § 31.21, Principle 8. (16A-5712)	Spring 2002, as proposed.	The regulation would require veterinarians to meet specified standards regarding dispensing, packaging and labeling of prescription drugs and would mandate that veterinarians use only current, unexpired drugs. Statutory authority: Section 5(1) and (2) of the Act, 63 P. S. §§ 485.5(1), 485.5(2).	Bob Kline (717) 783-4861
Deletion of Examination Fees—49 Pa. Code §§ 31.3, 31.11, 31.32, 31.35, 31.41. (16A-5713)	Winter 2002, as final.	The regulation would delete references to the fee charged by the national testing organization for the national licensure examination. The regulation would also clarify issues regarding the impact of past criminal history on applicants for licensure as animal health technicians. Statutory authority: Section 5(4) and (7) of the Act, 63 P. S. §§ 485.5(4), 485.5(7).	
Allowable Veterinary Technician Dental Practices—49 Pa. Code, Chapter 31. (16A-5714)	Summer 2002, as proposed.	The regulation would further define the allowable practice of veterinary technicians in relation to veterinary dental practices.	
State Real Estate Commission—General Revisions: Agency Disclosures—49 Pa. Code, Chapter 35. (16A-568)	Winter 2002, as final.	The regulation would implement the requirements of Act 112 of 1998 and Act 47 of 1999 pertaining to agency relationships. Statutory authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	Deb Sopko (717) 783-1475
Education—49 Pa. Code, Chapter 35. (16A-561)	Spring 2002, as proposed.	The regulation would change the current pre-licensure and continuing education requirements and address distance education. Statutory authority: Section 404.1(a) of the Act, 63 P. S. §§ 455.404a.(a).	
Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)	Spring 2002, as proposed.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Licensing and Registration Act and the Commission's regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
Revisions to Definition Regulation: 4 Pa. Code § 241.1	Winter 2002	Delete. Adequately defined in statute; amend to delete already redundant language already in statute.	Brian McDonough Sean Sanderson 787-6293
Revisions to Membership, Credited Services, Class of Service, and Eligibility for Benefits Regulations: 4 Pa. Code §§ 243.2, 243.6, 243.9, 243.10, 243.13(a)	Winter 2002	Amend to eliminate language that contradicts statute; Delete. Repeats requirements already in statute.	Brian McDonough Sean Sanderson 787-6293
Revisions to Contribution Regulations: 4 Pa. Code §§ 245.2, 245.4	Winter 2002	Delete. Adds nothing useful to statutory provisions; Delete in order to simplify and improve the process to purchase service.	Brian McDonough Sean Sanderson 787-6293
Revisions to Administration, Funds, Accounts and General Regulations: 4 Pa. Code §§ 249.4	Winter 2002	Amend to eliminate redundant, unnecessary, or archaic language; Delete. Repeats requirements already contained in statute.	Brian McDonough Sean Sanderson 787-6293



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>STATE POLICE</b>			
Regulatory amendments to further adopt a cheating policy as part of the Municipal Police Officers Education and Training Commission regulations. Chapter 203	The proposed regulation will be published in the the Pa. Bulletin in Spring of 2002.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers Education and Training Commission. The proposed amendments will further adopt a cheating policy.	Ronald E Plesco, Jr., Esq. 717-772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	July 2002, as proposed.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package undergoing further review with the Department's legal counsel.	Sue Wilson (717) 787-4291
Permanent Registrations of Fleet Vehicles Chapter 60	March 2002, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Ann Marie Kessler (717) 787-3977
School Buses and School Vehicles Chapter 171	March 2002, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the public transportation community. The Department has prepared draft amendments based on recommendations received by the public transportation community. The Proposed Regulatory Package was finalized and sent to General Counsel.	Mike Kistler (717) 772-2119
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	March 2002, as proposed.	The Department's Medical Advisory Board has approved proposed amendments to the medical standards licensure. The proposed regulation was finalized and is being advanced to General Counsel.	Mike Kistler (717) 772-2119
Liquid Fuels Tax Chapter 449	February 2002, as final	Final draft was forwarded to the Office of General Counsel in October 2001.	Dick Zerbe (717) 787-2183
School Bus Drivers Chapter 71	March 2002, as proposed.	Creates standards to allow persons with certain medical conditions to become a school bus driver that were previously banned because of their medical condition. Through the standards and monitoring systems approved by the Medical Advisory Board in 2000, these persons do not pose a significant danger while driving. The proposed Regulatory Package was finalized and sent to General Counsel.	Mike Kistler (717) 772-2119
Proportional Registration of Fleet Vehicles Chapter 63	March 2002, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Ann Marie Kessler (717) 787-3977
Flashing or Revolving Lights on Emergency and Authorized Vehicles Chapter 173	September 2002, as final.	Proposed amendments required complying with Act 151 of 1999.	Tom Zamboni (717) 783-9513
Shared-Ride Transportation Service Reimbursement Chapter 425	July 2002, as proposed.	Revised regulations are required due to the repeal of the original authorizing legislation and the enactment of revised authorizing legislation for the Shared-Ride Program for Senior Citizens.	Laverne Collins (717) 783-8025
Emission Inspection Chapter 177	November 2002, as final	Amendments needed to address ongoing operational aspects of the emissions program, and to implement an On-Board-Diagnostics (OBD) program.	Peter Gertz (717) 783-7016

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Airport Rating and Licensing Chapter 471	July 2002, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Aviation Development Chapter 473	July 2002, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Local Real Estate Tax Reimbursement Chapter 477	July 2002, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Vehicles Required to Stop at Railroad Grade Crossings Chapter 103	June 2002, as proposed deletion.	Repeal—this regulation is no longer needed because of changes made in § 3342(d) of the Vehicle Code	Terry Garvie (717)787-2604
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	June 2002, as proposed deletion.	Repeal—this regulation is no longer needed because of changes in Chapter 49 of the Vehicle Code.	Daniel Smyser (717) 787-7445
Work Zone Traffic Control Devices Chapter 203	April 2002, as proposed deletion.	Section 6123 of the Vehicle Code requires a regulation, but most of Chapter 203 is unnecessary when adopting the MUTCD. Remaining required language will be placed in a new regulation to be promulgated in 2002.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	April 2002, as proposed deletion	Section 6121 of the Vehicle Code requires a manual consistent with MUTCD. The size of the regulation will be drastically reduced, and will be proposed as Chapter 212 to eliminate confusion with the current chapter.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 212	April 2002, as proposed rulemaking.	This chapter is being proposed to adopt the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) and to replace Chapters 201, 203 and 211. By adopting the MUTCD, the volume of the new regulation will be only about 5 percent of the combination of the three current regulations.	Art Breneman (717) 787-3620
Hazardous Materials Transportation Chapter 403	June 2002, as proposed.	Compatibility with Federal requirements—Current regulation requires an annual registration of all hazardous materials transporters. It has been determined that this registration is unnecessary and this requirement will be eliminated.	Daniel Smyser (717) 787-7445
Vehicle Equipment & Inspection Chapter 175	March 2002, as proposed	Current language relating to inspection station "hours of operation" is not flexible enough to accommodate changing industry practices and needs.	Kris Singer (717) 783-6823
Hold-Down and Tie down Devices for Metal Cargo and Logs Chapter 183	June 2002, as proposed deletion.	Repeal—this regulation is no longer needed because of changes made in Chapter 49 of the Vehicle Code	Daniel Smyser (717) 787-7445

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Obstruction to Aircraft Chapter 479	July 2002, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Interstate Motor Carrier Safety Requirements Chapter 229	June 2002, as proposed.	Needs to be amended to be compatible with the Federal Motor Carrier Safety Regulations.	Daniel Smyser (717) 787-7445
Intrastate Motor Carrier Safety Requirements Chapter 231	June 2002, as proposed.	Needs to be amended to be compatible with the Federal Motor Carrier Safety Regulations.	Daniel Smyser (717) 787-7445

[Pa.B. Doc. No. 02-188. Filed for public inspection February 1, 2002, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### Retention and Disposition of Records Created on E-mail Systems

The Historical and Museum Commission (Commission) issues records schedules for local governments as promulgated by the Municipal Records Act, 53 Pa.C.S. §§ 1381—1389.

The Commission wishes to provide public notice that an addition to the general provisions of the 1993 edition of the *Municipal Records Manual* (manual) entitled The Retention and Disposition of Records Created on E-Mail Systems has been approved by the Local Government Records Committee and will be printed and mailed directly to all third class cities, boroughs, incorporated towns, townships of the first and second class and municipal authorities. Information on the manual and the local government records program is available from the following: Historical and Museum Commission, Division of Archival and Records Management Services, 350 North Street, Harrisburg, PA 17120-0090, (717) 787-3913 or (717) 783-9874.

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 02-189. Filed for public inspection February 1, 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.

### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#16A-568	State Real Estate Commission Agency	1/22/02
#11-208	Insurance Department Long-Term Care Insurance Form and Rate Filings	1/23/02
#11-211	Insurance Department Charter Amendments; Financial Requirements	1/23/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-190. Filed for public inspection February 1, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control

H&F Investors IV (Bermuda), L.P. has filed an application to acquire control of American Independent Insurance Company, a Commonwealth domiciled stock casualty insurance company. The filing was made under the requirements of the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1473). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-191. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Application for Approval to Acquire Control

Warburg Pincus (Bermuda) Private Equity VIII, L.P., Warburg Pincus (Bermuda) International Partners, L.P., Warburg Pincus Netherlands International Partners I, C.V. and Warburg Pincus Netherlands International Partners II, C.V. have filed an application to acquire control of American Independent Insurance Company, a Commonwealth domiciled stock casualty insurance company. The filing was made under the requirements of the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-192. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Application for Domestic Certificate of Authority

Allied Eastern Indemnity Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under the requirements of The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-193. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Hartford Insurance Company of the Midwest; Rate Filing

On January 14, 2002, the Insurance Department received from Hartford Insurance Company of the Midwest a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 12.0% increase amounting to \$1.902 million annually to be effective April 2, 2002.

Unless formal administrative action is taken prior to March 15, 2002, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail: xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-194. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing 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 the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Roseria and Robert Buonacore; file no. 01-182-08790; Prudential Property and Casualty Insurance Company; doc. no. P02-01-012; February 20, 2002, at 10 a.m.

Appeal of Robert E. Fox; file no. 01-494-91176; Allstate Insurance Company; doc. no. E02-01-013; March 7, 2002, at 1 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Farouk E. Osman; file no. 01-265-06075; Allstate Insurance Company; doc. no. PH02-01-017; February 21, 2002, at 2 p.m.

Appeal of Edgar Moore; file no. 01-265-05932; Colonial Penn Insurance Company; doc. no. PH02-01-018; February 21, 2002, at 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or 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 above-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. 02-195. Filed for public inspection February 1, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Dauphin County, Carpentry Design Shop, Unit B, 990 Briarsdale Road, Harrisburg, PA 17109.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial industrial flex space within 1 block of the intersection of Briarsdale and Corey Roads, Lower Paxton Township.

*Proposals due:* February 15, 2002, at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-196. Filed for public inspection February 1, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall

be considered as sufficient notice to all carriers holding authority from the Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before February 25, 2002, as set forth in 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

### Applications of the following for approval to *begin* operating as *common carriers* for transportation of persons as described under each application.

**A-00118469, F.2. Sylvia Rose Boronski** (P. O. Box 13314, Reading, Berks County, PA 19604)—persons in paratransit service, between points in the county of Berks, and from points in said county, to points in Pennsylvania, and vice versa.

**A-00118553. Mygeopy Express, Inc. t/d/b/a Mygeopy** (2648 East Cambria Street, Philadelphia, PA 19134), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to airports located in Pennsylvania.

### Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *household goods* in use as described under the application.

**A-00106548, F.1, AM-F. Debo Moving and Storage, Inc.** (1508 B Street West, Baden, Beaver County, PA 15005), a corporation of the Commonwealth of Pennsylvania, inter alia—household goods in use, between points in the borough of Ambridge, Beaver County, and within an airline distance of 10 miles thereof, including the townships of Harmony and Economy, Beaver County, and from points in said area, to points in Pennsylvania, and vice versa: *So As to Permit* the transportation of household goods in use, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

### Application of the following for the *approval* of the *transfer of stock* as described under the application.

**A-00100147, F.5000. Edenfield Stages, Inc.** (50 West Main Street, Box 116, New Salem, Fayette County, PA 15468), a corporation of the Commonwealth of Pennsylvania—stock transfer—5,000 shares from Wayne Edenfield (2,500 shares) and Marling Edenfield (2,500 shares) to Donald D. Kissell (1,000 shares) and the redemption of 4,000 shares by the company. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-197. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Telecommunications

**A-310824F7000. Verizon Pennsylvania Inc. and DSLnet Communicaitons, LLC d/b/a DSL.net.** Joint Petition of Verizon Pennsylvania Inc. and DSLnet Com-

munications, LLC d/b/a DSL.net for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and DSLnet Communications, LLC d/b/a DSL.net filed on December 20, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Replacement 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 DSLnet Communications, LLC d/b/a DSL.net 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. 02-198. Filed for public inspection February 1, 2002, 9:00 a.m.]

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### Telecommunications

**A-310951F7000. Verizon Pennsylvania Inc. and Essex Communications Inc.** Joint Petition of Verizon Pennsylvania Inc. and Essex Communications Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Essex Communications Inc. filed on December 10, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Essex Communications Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-199. Filed for public inspection February 1, 2002, 9:00 a.m.]

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### Wastewater Without Hearing

**A-230410F2000. Rockwell Sewerage Company, Inc.** Application of Rockwell Sewerage Company, Inc., for approval of the abandonment of wastewater collection and treatment services to approximately 500 customers in St. Thomas Township, Franklin County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 19, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Rockwell Sewerage Company, Inc.

*Through and By Counsel:* Welton J. Fischer, 550 Cleveland Avenue, Chambersburg, PA 17201.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-200. Filed for public inspection February 1, 2002, 9:00 a.m.]

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### Water Service Without Hearing

**A-210104F0009. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Cumru Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 19, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company.

*Through and By Counsel:* Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-201. Filed for public inspection February 1, 2002, 9:00 a.m.]

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### Water Service Without Hearing

**A-210013F0015. United Water Pennsylvania, Inc.** Application of United Water Pennsylvania, Inc. for approval to begin to offer, render, furnish or supply domestic water service to the public in additional territory in Newberry Township, York County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 19, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* United Water Pennsylvania, Inc.

*Through and By Counsel:* John J. Gallagher, Esquire, LeBoeuf, Lamb, Greene and MacRae, 200 North Third

Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2105.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-202. Filed for public inspection February 1, 2002, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0155.4, Electrical Renovations plus 2nd Floor and Apron Lighting, Pier 84 South, until 2 p.m. on Thursday, February 21, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available February 5, 2002. The cost of the bid document is \$35 (includes 7% PA sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid job site meeting will be held Thursday, February 14, 2002, 10 a.m. at the job site, Columbus Blvd. and Porter St. Philadelphia, PA 19148 (entrance at the north or upriver gate).

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-203. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0203.1, Paving Repairs (Spray Patch Paving) at PAMT, P98SA, P96S, P84S, P82S, P80S, P80SA, P78S, P78SA, P38-40S, TMT and AOC Bldg., until 2 p.m. on Thursday, February 28, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available February 12, 2002. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Mandatory prebid job site meeting will be held February 21, 2002, 10 a.m. at the Tioga Admin. Bldg., 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-204. Filed for public inspection February 1, 2002, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS OPERATORS

### 2002 Examination Announcement

#### *Examination Dates:*

April 27, 2002—Applications must be received, complete and correct, no later than February 11, 2002.

November 2, 2002—Applications must be received, complete and correct, no later than August 19, 2002.

The certification examination will be offered in the area of the following cities: Altoona, Harrisburg, Meadville, Philadelphia, Pittsburgh, Williamsport and Wilkes-Barre.

Applications may be obtained from and must be returned to the Department of Environmental Protection, Certification and Licensing, P. O. Box 8454, 400 Market Street, Harrisburg, PA, 17105-8454, (717) 787-5236, by the established cutoff dates previously stated (not post-marked). Information regarding the certification examination can be obtained by contacting this same address and telephone number.

Information on training courses can be obtained by contacting the Department of Environmental Protection, Technical Training, P. O. Box 8467, Harrisburg, PA, 17105-8467, (717) 787-0122.

Applicants requesting two examinations (water and sewage) must be examined in the Harrisburg area.

Qualified applicants will receive a "letter of notification" approximately 3 weeks prior to the examination. This letter must be presented at the examination center for admission to the examination.

All applicants will be notified of examination results within 75 days after the examination date.

The sewage and water treatment plant operator examination consists of 100 multiple-choice questions. A formula conversion table is provided with the examination package at the test site.

Persons with a disability who require accommodation to take the sewage treatment plant or waterworks operator exam should contact the State Board for Certification of Sewage Treatment Plant and Waterworks Operators (Board) at (717) 787-5236 or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHY W. KEYES,  
*Secretary*

[Pa.B. Doc. No. 02-205. Filed for public inspection February 1, 2002, 9:00 a.m.]

## STATE BOARD OF CHIROPRACTIC

**Bureau of Professional and Occupational Affairs v.  
Charles Dunn t/b/d/a Massage Therapy for All by  
Chad; Doc. No. 0298-43-00**

Charles Dunn, t/b/d/a Massage Therapy for All by Chad, of Sayre, Bradford County, was assessed a civil penalty of \$4,000 based on his practice of chiropractic without a license on December 7, 2001.

Individuals may obtain a copy of the adjudication by writing to Alicia S. Miller, Board Counsel, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Chiropractic (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

JONATHAN W. MCCULLOUGH, D.C.,  
*Chairperson*

[Pa.B. Doc. No. 02-206. Filed for public inspection February 1, 2002, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

February 28, 2002	Jacqueline Campbell (Dec'd) (Contested Death Benefit)	1 p.m.
March 13, 2002	Stephen J. Romanko (Denial of a service-connected disability supplement)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Admin-

istrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 02-207. Filed for public inspection February 1, 2002, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of an Engineering/Construction Management Firm

#### Project Management/Cost Control and Construction Documentation System; Reference No. 3-147

The Turnpike Commission (Commission) will retain an engineering firm that performs construction management services, to develop a system design and construction, for a process driven Project Management/Cost Control and Construction Documentation System. The Engineering Department intends to implement the appropriate technology system to properly maintain construction documentation and project administration processes and to manage, track and control project resources.

The following factors will be considered by the Commission during the evaluation of the firms submitting Statements of Interest for these projects:

A. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.

B. Ability and methods to efficiently and effectively manage the implementation of this system in conjunction with existing construction documentation requirements and procedures.

C. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

D. Project Management Team Experience:

1. Experience with the Commission's Construction policies, procedures and best practices.

2. Experience with the Commission's project development and project management process.

3. Experience in preparing plans, specifications and estimates in accordance with established project criteria.

4. Experience in development and implementation of construction management/engineering technology, construction project management and cost control expert systems, Construction Documentation Systems, Client Server Technology, WAN/LAN system integration, XML and browser centric applications.

5. Past performance with the Commission pertaining to the Construction and Construction Management Phases of the Capital Plan Programs.

E. The specific experience and number of individuals who constitute the firm.



F. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

G. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10% total. Responding firms shall clearly identify DBE/MBE/WBE firms expected to participate in this contract, in their statement of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, the firm will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department at the time of the submission of the statement of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Commission's Contracts Administration office by calling (717) 939-9551 ext. 4241.

Specific details and requirements related to this project are identified in the conceptual scope of work for the Project Management/Cost Control and Construction Documentation System. Firms interested in obtaining a copy of this document or have additional questions can direct their project inquiries to Michael J. Phillips, (717) 939-9551 ext. 3522; or by e-mail to mphillip@paturnpike.com. Contractual questions should be directed to George M. Hatalowich, (717) 986-8737; or by e-mail to ghatalow@paturnpike.com.

#### General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The Statements of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide an explanation of the technical approach.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department and Commission projects.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to two 8 1/2 × 11 pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, February 15, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to this solicitation, one firm will be selected for this project. Oral presentations may be required prior to selection. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 02-208. Filed for public inspection February 1, 2002, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

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.

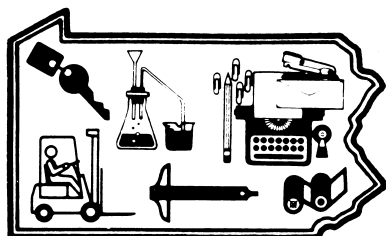
Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

Beginning February 6, 2002, the Department of General Services' Bureau of Purchases will only accept hand-carried bids if the individual delivering the bid:

1. shows picture identification, such as driver's license, which identifies the individual delivering the bid and
2. provides written authorization, signed by the bidder, of the individual's authority to deliver the bid on behalf of the bidder.

These same procedural requirements apply for modifications or withdrawals of bids in person.



### Commodities

**State Bid #235** Swimming Pool Sound System.

**Department:** General Services  
**Location:** Pennsylvania State University, Erie Campus, Erie, PA 16563  
**Duration:** Due Date: 2-4-02  
**Contact:** Mr. Steven Blazer 814-865-5418

**8251140 Rebid** Plows. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1209351 REBID.** Portable Radiation Survey Instrument and Detachable Detector. For a copy of bid package fax request to (717) 787-0725.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1233141** Surveillance Aircraft Radar and Mapping Systems. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Attorney General  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1142201 Rebid** Vehicle, State Police, Navistar 3400 Chassis. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8254030** Grader. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1255121** Unemployment Compensation & SWIF Checks. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Labor and Industry  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1214211** Arjo Patient Lift with Scale. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Public Welfare  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1152211 Rebid** Fuel Oil Storage Tank Above Ground. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** North Warren, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**Supply** The purchase, delivery, installation, and Training of a Parts Cleaning Spray Cabinet.

**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, Equipment Division, 17th St. & Arsenal Blvd., Harrisburg, PA 17120  
**Duration:** 12 Months Warranty  
**Contact:** Robert Rutko (717) 787-2110

**420042R** Feller gage Units, each unit consists of: 3 gage leafs of .003", .007" & .010" in thickness, cover to contain the three gages, 3 spare .003" gage leafs, and all the above packaged as one unit. For bid package call Jean Platt at (717) 783-6717 or fax name and address to (717) 783-5955.

**Department:** Transportation  
**Location:** PA DOT Bureau of Construction & Materials, 1118 State St., Harrisburg, PA 17120  
**Duration:** One time bid  
**Contact:** E Jean Platt (717) 783-6717

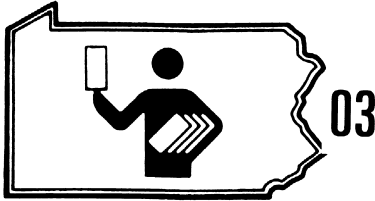
**22911** Purchase two (2) ozone (O<sub>3</sub>) ambient air monitoring analyzers, Advanced Pollution Instrumentation (API) brand, Model 400. No substitutes.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** April 5, 2002  
**Contact:** Nancy W. Miller (717) 787-9645

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## SERVICES

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### Auctioneer Services

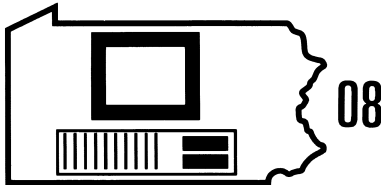
**SP1511810123** The Department of General Services is soliciting bids for an auctioneer who is experienced in selling heavy equipment.

**Department:** General Services

**Location:** Bureau of Supplies and Surplus Operations, State Surplus Property Division, 2221 Forster Street, Harrisburg

**Duration:** March 1, 2002 through February 28, 2003

**Contact:** Thomas M. Ford (717) 787-4085



### Computer Related Services

**IBP-448-1** To provide a quantity of three (3) Electronic Cash Register's along with specified options that includes scanners, programming, installation and training. To obtain a detailed bid package, submit a written request to the contact noted or Fax your request to (814) 255-8370.

**Department:** Labor and Industry

**Location:** Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905

**Duration:** For completion within 90 days of actual award.

**Contact:** Robert D. Robinson, PA II (814) 255-8210

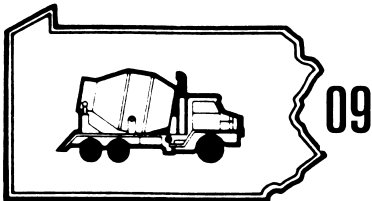
**RFP-3810054** Request for Proposal to provide Desktop Development services for the Bureau of Information Technology. To request a copy of the proposal, e-mail Pamela Stouffer at [pastouffer@state.pa.us](mailto:pastouffer@state.pa.us) or call (717) 783-4884.

**Department:** Conservation and Natural Resources

**Location:** Harrisburg

**Duration:** 5 Years

**Contact:** Pamela Stouffer (717) 783-4884



### Construction & Construction Maintenance

**FDC-114-888.2** All HVAC work associated with the alterations and an addition to the office at Little Pine Park Office in Lycoming County. Project estimate is \$0 to \$50,000.00. NOTE: Requests for bid documents may be made ON or AFTER January 28, 2002. Cost of documents is \$31.80.

**Department:** Conservation and Natural Resources

**Location:** Cummings Township

**Duration:** 240 days

**Contact:** Construction Management Section (717) 787-5055

**FDC-114-888.1** All general construction work associated with alterations and an addition to the office at Little Pine Park Office in Lycoming County. (Demolition, excavation, utilities, sitework, bituminous paving, concrete, carpentry, masonry, roofing, finish work and painting, doors and windows, toilet accessories and wheel chair lifts. Project estimate is \$100,000.00 to \$500,000.00. NOTE: Requests for bid documents may be made ON or AFTER January 28, 2002. Cost of documents is \$31.80.

**Department:** Conservation and Natural Resources

**Location:** Cummings Township

**Duration:** 240 days

**Contact:** Construction Management Section (717) 787-5055

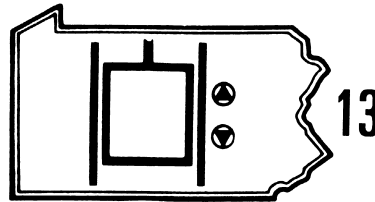
**CL-544** CL-544 Replace Windows & Doors, Nair Hall. Clarion University is soliciting bids for replacement of windows and selected doors and hardware in eight story dormitory building on the Clarion campus. Bid packages are available by mailing a check in the amount of \$20 made payable to the university to Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214. Pre-Bid Meeting: 10 a.m., February 6, 2002. Bids Due: 2 p.m., March 4, 2002. On-site work to begin on or after May 13, 2002.

**Department:** State System of Higher Education

**Location:** Clarion University, Clarion, PA

**Duration:** 120 days from Notice to Proceed

**Contact:** Judy McAninch, Contract Specialist (814) 393-2240



### Elevator Maintenance

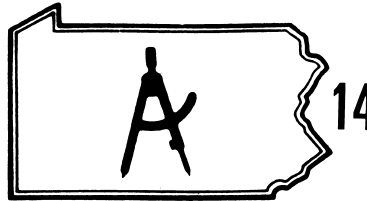
**FM-8360** Furnish all labor, materials, and equipment to provide a completed service and preventive maintenance program for three (3) dover passenger elevators and one (1) dover service elevator. Services shall include monthly scheduled preventive maintenance and servicing on each unit including all necessary additional service calls that are required.

**Department:** State Police

**Location:** Department Headquarters, Facility Management Division, 1800 Elmerton Avenue, Harrisburg, PA 17110

**Duration:** July 1, 2002, through June 30, 2005

**Contact:** Stacey Logan-Kent (717) 705-5952



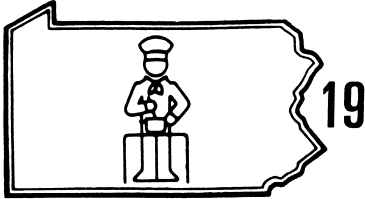
### Engineering Services

**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).

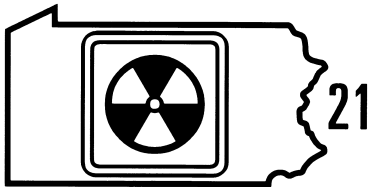
**Department:** Transportation

**Location:** Various

**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

**Food**

**7907** Dairy Products, Miscellaneous Foods, Meat & Meat Products, and Poultry.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821-9198  
**Duration:** April 1, 2002—June 30, 2002  
**Contact:** Kristina Robbins (570) 271-4578

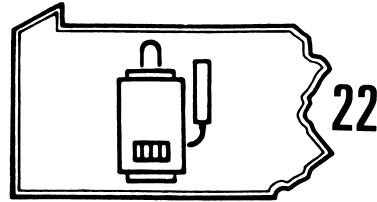
**Hazardous Material Services**

**010H10** The Department of Transportation Engineering District 1-0 requesting services for Hazardous Waste Removal. The identification, handling, transport, treatment, recycle and/or disposal of hazardous, residual and municipally-classified waste, generated or collected at PENNDOT facilities or anywhere in DISTRICT 1-0's right of ways. A complete bid package may be obtained by faxing your request to (814) 678-7040 attn: Rick McLaughlin or E-mailing your request to rmcclaug@dot.state.pa.us or by phoning (814) 678-7145 between the hours of 7:30 a.m.—3:30 p.m. Monday thru Friday. Please include your company's name, address (P. O. BOX and Street), telephone number and name of contact person on all faxes and E-mails.

**Department:** Transportation  
**Location:** PA DOT Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301  
**Duration:** 2 Year contract with a 2 year renewal by mutual consent of the Department and the Contractor.  
**Contact:** Mike Heitzenrater (814) 678-7044

**420046** Qualified waste management firms to provide services to dispose of hazardous waste located at the Bureau of Construction & Materials, 1118 State St., Harrisburg, PA 17120. Service includes sampling, testing, identifying providing overpacks when necessary, load transportation and disposal. This will be for a pick-up 4 times a year. Bids must be submitted on the Commonwealth's Service Purchases Proposal/Contract form with required attachments which are to be obtained from E Jean Platt at (717) 783-6717 or faxing your name and address to (717) 783-5955 to request a bid package.

**Department:** Transportation  
**Location:** PA DOT, Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120  
**Duration:** April 1, 2002 thru March 31, 2004, with an option to renew for one (1) more two (2) year period.  
**Contact:** E J Platt (717) 783-6717

**HVAC Services**

**8354** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts where applicable and further agree to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Troop C Punxsutawney, 445 N. Findlay Street, Punxsutawney, PA 17567-0445  
**Duration:** July 1, 2002 through June 30, June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**FM-8359** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm, for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Troop J, Lancaster Headquarters & Garage, 2099 Lincoln Highway East, Lancaster, PA 17602  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**FM-8358** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Troop N, Hazleton Headquarters & Garage, 250 Dessen Drive, Hazleton, PA 18201  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**FM-8357** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm, for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Troop R, Dunmore Headquarters & Garage, 85 Keystone Industrial Drive, Dunmore, PA 18512  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**FM-8355** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

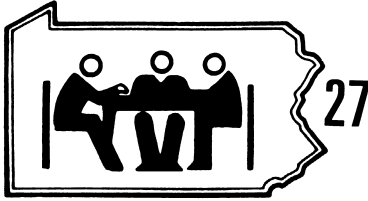
**Department:** State Police  
**Location:** Troop D Butler Headquarters, 200 Barracks Road, Butler, PA 16001  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**FM-8356** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor must respond to the call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm, for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Troop G, Hollidaysburg Headquarters & Garage, 1510 N. Juniata Street Hollidaysburg, PA 16628  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952

**SP8111490038** Vendor to provide a two-year contract with fixed prices for preventive, Remedial and emergency maintenance which includes, but is not limited to, Electrical and uninterruptible power system (UPS) Liebert Systems as outlined in attachments B & C for the Commonwealth Keystone Building.

**Department:** Office of Administration/Executive Offices  
**Location:** Keystone Building - Harrisburg, PA  
**Duration:** Through 12/31/03  
**Contact:** Susan L. Rojas (717) 787-8767



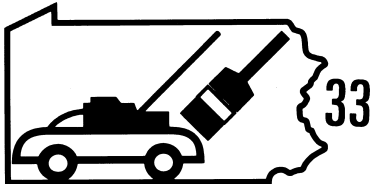
### Lodging/Meeting Facilities

**SU-01-10** SU-01-10: Shippensburg University is seeking vendors interested in submitting bids for conference facilities in the Harrisburg, PA area for the timeframe March 18 - 21, 2002. Must have facilities for approximately 50-60 individuals for lodging, meeting room and food service. Must also have audio/visual equipment available on premises. Please fax your request to be added to bidders list to Pam King at (717) 477-4004. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** March 18-21, 2002  
**Contact:** Pamela A. King 717-477-1121

**SU-01-09** SU-01-09: Shippensburg University is seeking vendors interested in submitting bids for Conference facilities in the State College, PA area. Must have facilities for 50-60 individuals for lodging, meeting rooms and food service. Must also have Audio/Visual equipment available for rental. Please fax your request to be added to bidders list by February 9, 2002, to Pam King at 717-477-4004. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** March 2002 thru March 2003. Various dates throughout this time frame.  
**Contact:** Pamela A. King (717) 477-1121



### Property Maintenance

**020S32** Contractor shall provide professional application of herbicides and pesticides to roadsides or other areas as directed. PENNDOT will supply all of the spray material. Fax your request for bid package to Janis Miele at (814) 765-0424, or e-mail; include your company name, address, phone no., fax no., and contact person.

**Department:** Transportation  
**Location:** Cameron, Centre, Clearfield, Clinton, Elk, McKean, Mifflin, Potter, and Juniata Counties  
**Duration:** Estimated one year with option of four one-year renewals, each renewal is optional  
**Contact:** Janis Miele (814) 765-0404

**046TR6** This service contract shall consist of 2 bid items: 1./ Trimmerlift tree removal service and 2./ Complete stump removal. The successful bidder shall be the lowest responsible bidder bidding on both items combine. The work shall be done on various State Routes located in Wayne County in accordance with the specifications section (Attachment C) of this contract. Labor and Industries, Davis Bacon Prevailing Wage Rates (Attachment F), shall apply to this contract. Specifications may be obtained by faxing your request to (570) 963-4245 attn. Maintenance Unit, by telephoning (570) 963-3071 between the hours of 7 a.m. am and 3 p.m. Monday though Friday, or by e-mailing dyacubo@dot.state.pa.us.

**Department:** Transportation  
**Location:** Various State Routes located Wayne County.  
**Duration:** 28 weeks  
**Contact:** Douglas Yacuboski (570) 963-3071

**047TR7** This service contract shall consist of 2 bid items: 1./ Trimmerlift tree removal service and 2./ Complete stump removal. The successful bidder shall be the lowest responsible bidder bidding on both items combine. The work shall be done on various State Routes located in Wyoming County in accordance with the specifications section (Attachment C) of this contract. Labor and Industries, Davis Bacon Prevailing Wage Rates (Attachment F), shall apply to this contract. Specifications may be obtained by faxing your request to (570) 963-4245 attn. Maintenance Unit, by telephoning (570) 963-3071 between the hours of 7 a.m. and 3 p.m. Monday though Friday, or by e-mailing dyacubo@dot.state.pa.us.

**Department:** Transportation  
**Location:** Various State Routes located Wyoming County.  
**Duration:** 31 weeks  
**Contact:** Douglas Yacuboski (570) 963-3071

**Bid #8362** Snow removal, salting & cindering from driveways and parking areas, and snow removal from sidewalks as required at the PA State Police, Dunmore Headquarters. Totals are based on estimated snow removal & salting/cindering hours/tons. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Dunmore Headquarters, 85 Keystone Industrial Park, Dunmore, PA 18512-0159  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**042TR1** This service contract shall consist of 2 bid items: 1./ Trimmerlift tree removal service and 2./ Complete stump removal. The successful bidder shall be the lowest responsible bidder bidding on both items combine. The work shall be done on various State Routes located primarily in the northern half of the county in accordance with the specifications section (Attachment C) of this contract. Labor and Industries, Davis Bacon Prevailing Wage Rates (Attachment F), shall apply to this contract. Specifications may be obtained by faxing your request to (570) 963-4245 attn. Maintenance Unit, by telephoning (570) 963-3071 between the hours of 7:00 am and 3:00 pm Monday though Friday, or by e-mailing dyacubo@dot.state.pa.us.

**Department:** Transportation  
**Location:** Various State Routes located in primarily the northern half of Lackawanna County.  
**Duration:** 75 weeks  
**Contact:** Douglas Yacuboski (570) 963-3071

**042TR2** This service contract shall consist of 2 bid items: 1./ Trimmerlift tree removal service and 2./ Complete stump removal. The successful bidder shall be the lowest responsible bidder bidding on both items combine. The work shall be done on various State Routes located primarily in the southern half of the county in accordance with the specifications section (Attachment C) of this contract. Labor and Industries, Davis Bacon Prevailing Wage Rates (Attachment F), shall apply to this contract. Specifications may be obtained by faxing your request to (570) 963-4245 attn. Maintenance Unit, by telephoning (570) 963-3071 between the hours of 7 a.m. and 3 p.m. Monday though Friday, or by e-mailing dyacubo@dot.state.pa.us.

**Department:** Transportation  
**Location:** Various State Routes located in primarily the southern half of Lackawanna County.  
**Duration:** 75 weeks  
**Contact:** Douglas Yacuboski (570) 963-3071

**044TR4** This service contract shall consist of 2 bid items: 1./ Trimmerlift tree removal service and 2./ Complete stump removal. The successful bidder shall be the lowest responsible bidder bidding on both items combine. The work shall be done on various State Routes located in Pike County in accordance with the specifications section (Attachment C) of this contract. Labor and Industries, Davis Bacon Prevailing Wage Rates (Attachment F), shall apply to this contract. Specifications may be obtained by faxing your request to (570) 963-4245 attn. Maintenance Unit, by telephoning (570) 963-3071 between the hours of 7 a.m. and 3 p.m. Monday though Friday, or by e-mailing dyacubo@dot.state.pa.us.

**Department:** Transportation  
**Location:** Various State Routes located Pike County.  
**Duration:** 31 weeks  
**Contact:** Douglas Yacuboski (570) 963-3071

**CL-561 - Interior Paint, Nair Hall** Clarion University is soliciting bids for interior painting in a residence hall on the Clarion Campus, Nair Hall. This project consists of surface preparation, priming, and finish coating of all corridors, stairwells, railings, ramps, residence room wood doors and metal frames, offices and general use areas. Nair Hall is 105,000 sq. ft. building consisting of 8 floors including the basement. Also included in the project is the replacement of vinyl base molding in the re-finished areas. Bid Packages: \$15 check payable to Clarion University, nonrefundable, to Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214. Pre-Bid: 10 am, February 8, 2002. Bids Due: 2 pm March 5, 2002.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion County, Clarion, PA  
**Duration:** 87 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist (814) 393-2240

**00689-000-99 -AS-3** Project Name: Restoration of George Washington Memorial Park, Waterford, PA. The scope of work includes but is not limited to demolition of existing materials, installation of concrete paving, site fixtures, landscape planting and site work, fabrication and installation of signage and electrical work, fine arts rigging and moving. For directions to the site or project information, contact the Project Manager, Mark Heeb at (717) 787-7788. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 —ATTENTION: Judi Yingling (717) 772-2401 OR - FAX - (717) 214-2988. All proposals are due on Monday, February 25, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Judson House, 31 High Street, Waterford, PA 16441  
**Duration:** May 1, 2002 to October 31, 2002  
**Contact:** Judi Yingling (717) 772-2401

**Bid #8364** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways and parking areas, and shovel sidewalks & steps, as required at the PA State Police, Bethlehem Headquarters & Crime Lab. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Bethlehem Headquarters & Crime Lab, 2930 Airport Road, Bethlehem, PA 18017-2149  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8363** Furnish all labor, materials & equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Towanda Station. Totals are based on estimated snow removal & salting/cindering hours/tons. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Towanda Station, R. D. #1, Towanda, PA 18848  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8365** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways and parking areas, as required at the PA State Police, Trevoise Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Trevoise Station, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** 11/1/02 to 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**Bid #8366** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways, sidewalks and parking areas, as required at the PA State Police, Lima Crime Lab. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

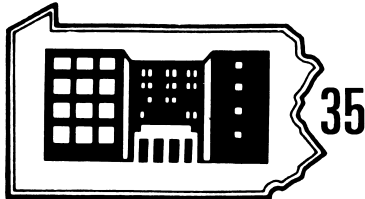
**Department:** State Police  
**Location:** Lima Crime Laboratory, 350 N. Middletown Road, Media, PA 19063-5592  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8367** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways and parking areas, as required at the PA State Police, Ephrata Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Ephrata Station, 21 Springhouse Road, Ephrata, PA 17522  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**SU-49230E99-27** SU49230E99-27: Shippensburg University is seeking vendors interested in bidding on 42"-48" rolled Certified Bluegrass blend sod to include a three-point bar for installation. Quantity will be 67,225 Sq. Foot. Services to be provided April, 2002 thru June, 2002. Vendors interested in receiving a bid package should fax their request to Pam King, Administrative Services at (717) 477-4004 no later than February 15, 2002. All responsible bidders are invited to participate including MBE/WBE firms.

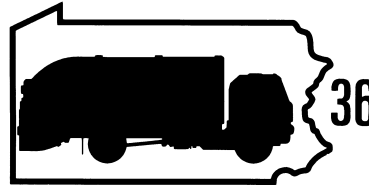
**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** April, 2002 through June, 2002  
**Contact:** Pamela A. King (717) 477-1121



## Real Estate Services

**93327** LEASE OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 6851 useable square feet of office/clinic space within the following boundaries of Cambria County: within a 1-1/2 mile radius of the intersection of Route 56 & Route 219. A minimum of 35 parking spaces will be required. In areas where street or public parking is not available, an additional 10 parking spaces will be required. Downtown locations will be considered. For more information on SFP #93327 which is due on March 25, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Health  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396



## Sanitation

**GTR-2002-1** The Hiram G. Andrews Center is seeking the services of a contractor to remove and properly dispose of non-hazardous garbage, trash, and recyclables. Removal services are required Monday through Saturday for five pickup locations. Contractor will be required to provide six 6-cu yd bulk containers with lids to handle all refuse and recyclables. The contractor shall also provide, as requested, 30-cu yd roll-off containers. To obtain a detailed bid package, submit a written request to the contact noted below or submit a request via Fax at (814) 255-8370.

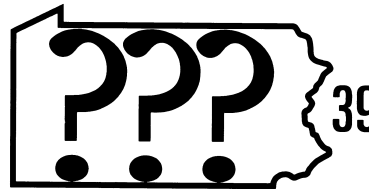
**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the period of 7/1/02 through 6/30/07  
**Contact:** Robert D. Robinson, PA II (814) 255-8210

**ME 10777021** Replace roof on Novice Work Shop Building #18. Please send a fax to 570-587-7108 with your Company Name, Address, Federal ID Number, Telephone and Fax Numbers to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** 4/01/02 through 3/31/03.  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**ME 10777022** Recoat and repair existing EPDM Roof on Summit Hall - Building #3. Please send a fax to 570-587-7108 with your Company Name, Address, Federal ID Number, Telephone and Fax Numbers to request a bid package. Bid Packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** 4/01/02 through 3/31/03.  
**Contact:** Stanley Rygelski, PA (570) 587-7291



## Miscellaneous

**DC-2002-1** The Hiram G. Andrews Center is soliciting bids for Registered Dietitian consultation services to be performed at the Facility. This will not be a contract of employment. To obtain a detailed bid package, submit a written request to the contact below or submit a request via Fax at (814) 255-8370.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the period of 7/1/02 through 6/30/07  
**Contact:** Robert D. Robinson, PA II (814) 255-8210

**ADV-152** Indiana University of Pennsylvania (IUP), Indiana, PA 15705 is seeking bids to furnish, install, and deliver Refrigerators, 14.4 cu. ft. for residence halls. Quantity: 78. Units to be new. Requests for a bid package should be made, in writing, referencing Advertisement #152 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Robertshaw Building, Indiana, PA 15705, Fax # (724) 357-2670, Telephone # (724) 357-3077, or e-mail: [pabash@iup.edu](mailto:pabash@iup.edu). Requests for bid packages will be accepted until 2-19-02 at 1:30 p.m. The University encourages responses from small & disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Contact:** Patty Bash (724) 357-3077

**ADV-151** Indiana University of Pennsylvania (IUP), Indiana, PA 15705 is seeking bids to furnish, install, and deliver: 20-Inch Electric Ranges with Oven, new, for residence halls. Quantity: 72 each. Requests for a bid package should be made, in writing, referencing Advertisement # 151 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Robertshaw Building, Indiana, PA 15705, Fax# (724) 357-2670, Telephone# (724) 357-3077, or e-mail: [pabash@iup.edu](mailto:pabash@iup.edu). Requests for bid packages will be accepted until 2-18-02 at 1:30 p.m. The University encourages responses from small & disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Contact:** Patty Bash (724) 357-3077

**ADV-150** Indiana University of PA (IUP), Indiana, PA 15705 is seeking bids to Furnish, Install, and deliver an X-Ray Fluorescence Spectrometer for the University's Geoscience Department. Equipment to be new. Requests for a bid package should be made, in writing, referencing Advertisement #150 and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705. Telephone #(724) 357-3077, or e-mail: pabash@iup.edu. Requests for bid packages will be accepted until 1:30 p.m. on February 12, 2002. The University encourages responses from small & disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of PA, Indiana, PA 15705  
**Contact:** Patty Bash (724) 357-3077

**AAC-2002-1** The Hiram G. Andrews Center is seeking the services of an Academic Advising Coordinator who will direct academic assistance for ACT 101 students. The Individual will also coordinate all ACT 101 technical services with professional and peer tutors and manage the peer-tutoring group. This will not be a contract of employment. To obtain a detailed bid package, submit a written request to the contact below or submit a request via Fax at (814) 255-8370.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the period of 7/1/02 through 6/30/07  
**Contact:** Robert D. Robinson, PA II (814) 255-8210

**RFP 99-05\*** "Driver and Vehicle Services Customer Care Center" - The request for proposals for the provision of services related to the operation of the Department of Transportation Driver and Vehicle Services Customer Care Center, published in the January 19, 2002 and January 26, 2002 issues of the *Pennsylvania Bulletin* has been postponed indefinitely pursuant to section 1711 of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711, pending resolution of a protest filed regarding this procurement. Further notice will be published in the *Pennsylvania Bulletin* at such time as the Department may determine to move forward with this procurement.

**Department:** Transportation  
**Contact:** Kathy Joy-Brosius (717) 705-4665

**SP 10777029** Educational Services Via Satellite. Please send a fax to (570) 587-7108 with your Company Name, Address, Federal ID Number, Phone and Fax numbers to request a bid package. Bid packages cannot be mailed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Estimated Start date 04/01/02 through 03/31/03 with renewal options.  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**141306** PENNDOT Maintenance District 1210 is seeking bids for ten (10) tarpaulin kits. These units will be purchased and then mounted by Department force.

**Department:** Transportation  
**Location:** 825 N. Gallatin Avenue Extension, Uniontown, PA 15401  
**Contact:** Brent A. Blake (724) 439-7470

[Pa.B. Doc. No. 02-209. Filed for public inspection February 1, 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 LOGAN,  
*Secretary*













