

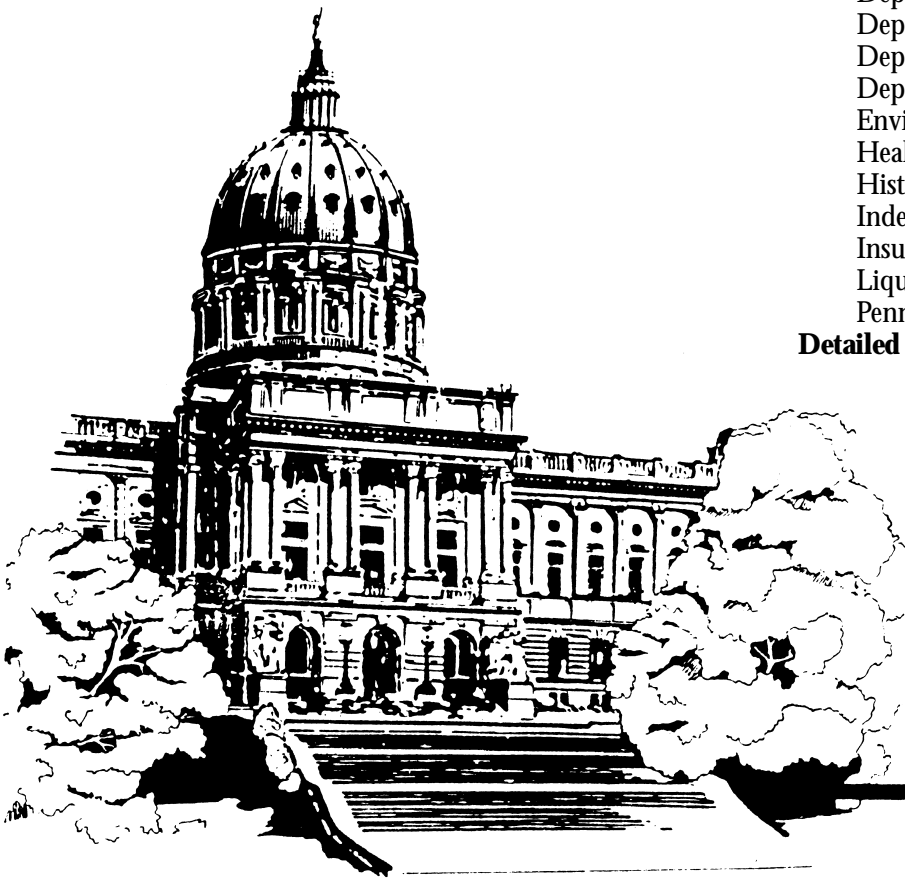
# PENNSYLVANIA BULLETIN

Volume 32  
Saturday, February 23, 2002 • Harrisburg, Pa.  
Number 8  
Pages 1029—1164

**Agencies in this issue:**

The Governor  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and  
Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Health Care Cost Containment Council  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 327, February 2002**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Drought and Water Shortage Emergency

February 12, 2002

*Whereas*, a large portion of the Commonwealth has experienced a long and continuing period of rainfall deficits and a lack of winter snow accumulation which has resulted in abnormally low stream flows, reduced groundwater levels and water supply shortages within those affected areas of the Commonwealth; and

*Whereas*, in accordance with criteria established by the Pennsylvania Drought Contingency Plan for water resource shortages, a review of climatic, hydrologic, and water supply conditions indicate the existence of a drought and water shortage emergency in Pennsylvania; and

*Whereas*, these drought conditions and water shortages may endanger the health, safety, and welfare of a significant number of Pennsylvania's citizens, threaten our natural resources, and have created or threaten to create problems greater in scope than county and municipal governments alone may resolve; and

*Whereas*, water conservation measures are needed to reduce the severity of these water supply shortages and to protect the health, safety, and welfare of affected Pennsylvania citizens;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a drought and water shortage emergency in the following counties: Adams, Bedford, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Lancaster, Lebanon, Lehigh, Montgomery, Monroe, Northampton, Perry, Philadelphia, Pike, Schuylkill, Wayne and York.

1. I hereby transfer up to \$250,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for drought-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this drought emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57 § 516. This proclamation shall serve as the written determination of the basis for the emergency under Section 516.

2. During the period of this drought and water shortage emergency, the Pennsylvania Emergency Management Agency and the Commonwealth Drought Coordinator are authorized and directed to implement the regulations set forth in 4 Pa. Code Chapters 118, 119 and 120. Within the designated drought emergency area, the following applies:

a. The nonessential water uses identified in 4 Pa. Code Chapter 119 are prohibited and restricted.

b. Public water supply agencies with sources or service areas located within the designated drought emergency area are hereby required to submit to the Commonwealth Drought Coordinator, within 30 days of this Proclamation, drought contingency plans, in cooperation with the governing body of each political subdivision where they provide services, in accordance with 4 Pa. Code § 118.4.

c. The Commonwealth Drought Coordinator may require the development and adoption of local water rationing plans by public water supply agencies and governing bodies of political subdivisions within the designated drought

emergency area, when deemed necessary to respond to local conditions, in accordance with 4 Pa. Code Chapter 120; and

3. The Pennsylvania Department of Environmental Protection is authorized to:

a. order the temporary modification of conditions in existing water withdrawal permits, including restrictions in the timing or quantity of water use;

b. supervise the storage and release of water in public and private reservoir facilities subject to the Department's regulation;

c. require emergency and permanent interconnection of public and private water systems and prescribe the delivery of water through such interconnections;

d. regulate the diversion and withdrawal of water in the designated drought emergency area in excess of such quantities as may be prescribed by order or regulation, including the establishment of requirements for emergency withdrawal permits; and

e. coordinate activities with Federal agencies responsible for the operation of Federal reservoirs in order to develop and implement emergency schedules for the storage and release of water from those facilities.

4. The Commonwealth Drought Coordinator is authorized and directed to carry out all of the functions, duties, and responsibilities specified in the Pennsylvania Drought Contingency Plan and this Proclamation and shall assist the Pennsylvania Emergency Management Agency in coordinating and directing State agency response to this drought and water shortage emergency.

5. It shall be the duty of every person residing in, or doing business in, the designated drought emergency area; the officers and employees of every public water supply agency and the elected officials and employees of every political subdivision in the designated drought emergency area to cooperate fully in all matters concerning this water shortage emergency and to faithfully exercise their assigned duties and responsibilities to respond to this water shortage emergency.

6. If any provision of the Public Utility Code or any other statute, administrative order, or regulation relating to the operation and management of water supplies is inconsistent with the requirements of this Proclamation or any regulation, drought contingency plan, Local Water Rationing Plan, or order issued pursuant hereto, or if strict compliance with such provisions would prevent, hinder, or delay necessary action to cope with the emergency, then such provision is hereby suspended for the duration of this Proclamation.

7. For purposes of undertaking effective response to the drought and water shortage emergency and to allow for expedited development of emergency replacement of supplemental water supplies and to protect against possible energy shortages, the Department of Environmental Protection, Department of Labor and Industry, Department of Health, Public Utility Commission, Pennsylvania Infrastructure Investment Authority and Department of Community and Economic Development are authorized to issue such emergency permits or approvals as required by law, without regard to the municipal notice procedures set forth in 71 P. S. Section 510-5 or to any other applicable statute, regulation, or executive order, if compliance with such procedures is impracticable or would be contrary to the public interest.

8. All residents of the Commonwealth are urged to conserve water on a voluntary basis, and to comply with water use restrictions requested or imposed by the public water supply agencies serving their areas in order to prevent further water shortages.

9. The Pennsylvania State Police, all local law enforcement departments, county and state fire marshals, other state employees with law enforcement authority, and public water supply agencies shall assist the Commonwealth



Drought Coordinator and all affected political subdivisions within the designated drought emergency area in the enforcement of the various water use restrictions, Local Water Rationing Plans, and other measures that are implemented under the authority of this Proclamation.

10. This Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the city of Harrisburg, this twelfth day of February in the year of our Lord, two thousand and two and of the Commonwealth, the two-hundred and twenty-sixth.



*Governor*

[Pa.B. Doc. No. 02-291. Filed for public inspection February 22, 2002, 9:00 a.m.]

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 1000]

#### Proposed Recommendation No. 178; Request for Comment upon Proposal of the Pennsylvania Bar Association for Amendment of Rule 1023

The Civil Procedural Rules Committee is requesting comment upon a proposal of the Pennsylvania Bar Association for the amendment of Rule of Civil Procedure 1023 as set forth herein. The Committee will consider the proposed amendment and any comments to the proposal at its March 2002 meeting prior to making any recommendation to the Supreme Court of Pennsylvania.

All communications in reference to the proposal of the Pennsylvania Bar Association should be sent not later than March 8, 2002 to:

Harold K. Don, Jr., Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055  
or E-Mail to  
civil.rules@supreme.court.state.pa.us

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1000. ACTIONS AT LAW

#### Subchapter A. CIVIL ACTION

#### PLEADINGS

*(Editor's Note: As part of this proposed rulemaking, Rule 1023 is proposed to be replaced. It currently appears in 231 Pa. Code pages 1000-11—1000-12, serial pages (255203)—(255204).)*

#### **Rule 1023. Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions.**

(a) *Signature.* Every pleading, written motion, and other paper directed to the court shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. This rule shall not be construed to suspend or modify the provisions of Rule 1024 or Rule 1029(e).

(b) *Representations to Court.* The signature of an attorney or pro se party constitutes a certificate that the signatory has read the pleading, motion, or other paper. By signing, filing, submitting, or later advocating such a document, the attorney or pro se party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation,

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law,

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual allegations are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) *Sanctions.* If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(1) *How Initiated.*

(A) *By Motion.* An application for sanctions under this subdivision shall be made by motion, shall be made separately from other applications and shall describe the specific conduct alleged to violate subdivision (b). No such motion shall be filed unless it includes a certification that the applicant served written notice and demand to the attorney or pro se party who signed or filed the challenged pleading, motion or other paper. The certification shall have annexed a copy of that notice and demand, which shall identify with specificity each portion of the document which is believed to violate the provisions of this rule, set forth the basis for that belief with specificity, include a demand that the document or portion of the document, be withdrawn or appropriately corrected. An application for sanctions may be filed if the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected within 28 days after service of the written demand. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. A motion requesting sanctions under this rule shall be filed in the trial court before the entry of final judgment.

(B) *On Court's Initiative.* On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm or party to show cause why it has not violated subdivision (b) with respect thereto.

(2) *Nature of Sanction; Limitations.* A sanction imposed for violation of this rule shall be limited to that which is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, (i) directives of a nonmonetary nature, including the striking of the offensive litigation document or portion of the litigation document, (ii) an order to pay a penalty into court, or, (iii) if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation. Except in exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates and employees.

(A) Monetary sanctions may not be awarded against a represented party for violation of subdivision (b)(2).

(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(3) *Order*. When imposing sanctions, the court shall describe the conduct determined to be a violation of this subdivision and explain the basis for the sanction imposed.

(d) *Inapplicability to Discovery*. Subdivisions (a) through (c) do not apply to disclosures and discovery requests, responses, objections and discovery motions that are subject to the provisions of general rules.

**Official Note.** The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.

The grant or denial of relief (e.g., grant or denial of preliminary objections, motion for summary judgment or discovery application) does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

The inclusion in the rule of a provision for "an appropriate sanction" is designed to prevent the abuse of litigation. The rule is not a fee shifting rule per se although the award of reasonable attorney's fees may be an appropriate sanction in a particular case.

The provision requiring that a motion under this rule be filed before the entry of final judgment in the trial court is intended to carry out the objective of expeditious disposition and to eliminate piecemeal appeals. Where appropriate, such motions should be filed as soon as practicable after discovery of the violation.

The following provisions of the Judicial Code, 42 Pa.C.S., provide additional relief from dilatory or frivolous proceedings: (1) Section 2503 relating to the right of participants to receive counsel fees and (2) Section 8351 et seq. relating to wrongful use of civil proceedings.

(d) Section 8355 of the Judicial Code, 42 Pa.C.S. § 8355, is suspended absolutely, in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

Section 8355 of the Judicial Code provides for the certification of pleadings, motions and other papers.

See also Order of January 17, 1997, Civil Procedural Rules Docket No. 5, No. 269, suspending the following sections of the Health Care Services Malpractice Act, added by Act No. 1996-135; Section 813-A, 40 P.S. § 1301.813-A, providing for the signing and certification of pleadings, motions and other papers and Section 821-A, 40 P.S. § 1301.821-A, providing for the signing and certification of a complaint.

#### Source

The provisions of this Rule 1023 adopted June 25, 1946, effective January 1, 1947; amended March 11, 1991, effective July 1, 1991, 21 Pa.B. 1274; amended August 11, 1997, effective December 1, 1997, 27 Pa.B. 4426. Immediately preceding text appears at serial page (212298).

[Pa.B. Doc. No. 02-292. Filed for public inspection February 22, 2002, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

## Filing of Appointment Order Enters Appearance; Contents and Service of Appointment Order

### Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.Rs.Crim.P. 120 (Attorneys—Appearances and Withdrawals) and 122 (Assignment of Counsel). These proposed rule changes would (1) provide the filing of the order appointing counsel to represent a defendant would enter appointed counsel's appearance in the case, (2) set forth the minimum contents for the appointment order, and (3) set forth the requirements for the service of the appointment order. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, 5035 Ritter Road, Suite 800, Mechanicsburg, PA 17055, fax: (717) 795-2106, e-mail: criminal.rules@supreme.court.state.pa.us, no later than Monday, March 25, 2002.

JOSEPH P. CONTI,  
*Chair*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART B. Counsel

#### Rule 120. Attorneys—Appearances and Withdrawals.

(A) Counsel for defendant shall enter an appearance in writing with the clerk of courts promptly after being retained [ **or appointed** ] and serve a copy [ **thereof** ] of the entry of appearance on the attorney for the Commonwealth. If a [ **firm** ] firm's name is entered, the name of an individual lawyer shall be designated as being responsible for the conduct of the case.

**(B) When counsel has been appointed pursuant to Rule 122 (Appointment of Counsel), the filing of the appointment order shall enter the appearance of appointed counsel.**

[ (B) ] (C) \* \* \*

[ (C) ] (D) \* \* \*

Comment

\* \* \* \* \*

Paragraph (B) was added in 2002 to make it clear that the filing of an order appointing counsel to represent a defendant enters the appearance of appointed counsel. Appointed counsel does not have to file a separate entry of appearance. Rule 122 (Appointment of Counsel) requires the judge to include in the appointment order the name, address, and phone number of appointed counsel, and serve the order on the defendant, appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Notice and Docketing of Orders).

Under paragraph [ (C) ] (D), the court should make a determination of the status of a case before permitting counsel to withdraw.

\* \* \* \* \*

**Official Note:** Adopted June 30, 1964, effective January 1, 1965; formerly Rule 303, renumbered Rule 302 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended March 22, 1993, effective January 1, 1994; renumbered Rule 120 and amended March 1, 2000, effective April 1, 2001; amended \_\_\_\_\_, 2002, effective \_\_\_\_\_, 2002.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the February 23, 2002 amendments concerning the filing of an appointment order as entry of appearance for appointed counsel published with the Court's Order at 32 Pa.B. 1041 (February 23, 2002).**

Rule 122. [ Assignment ] Appointment of Counsel.

[ (A) IN SUMMARY CASES. ]

(A) Counsel shall be [ assigned ] appointed:

(1) in all summary cases, [ to ] for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed [ . ] ;

[ (B) IN COURT CASES. ]

(2) [ In ] in all court cases [ counsel shall be assigned ], prior to the preliminary hearing [ to ] for all defendants who are without financial resources or who are otherwise unable to employ counsel [ . ] ;

[ (C) IN ALL CASES.

(1) The ] (3) in all cases, by the court, [ of ] on its own motion, [ shall assign counsel to represent a defendant ] [ whenever ] when the interests of justice require it.

[ (2) A motion for change of counsel by a defendant to whom counsel has been assigned shall not be granted except for substantial reasons.

(3) Where ] (B) When counsel has been [ assigned ] appointed,

(1) the judge shall enter an order indicating the name, address, and phone number of the appointed counsel, and the order shall be served on the

defendant, the appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Notice and Docketing of Orders), and

(2) [ such ] the [ assignment ] appointment shall be effective until final judgment, including any proceedings upon direct appeal.

(C) A motion for change of counsel by a defendant for whom counsel has been appointed shall not be granted except for substantial reasons.

Comment

\* \* \* \* \*

[ Assignment ] Appointment of counsel can be waived, if such waiver is knowing, intelligent, and voluntary. See *Faretta v. California*, 422 U.S. 806 (1975). Concerning the appointment of standby counsel for the defendant who elects to proceed pro se, see Rule 121.

In both summary and court cases, the [ assignment ] appointment of counsel to represent indigent defendants remains in effect until all appeals on direct review have been completed.

Ideally, counsel should be [ assigned to ] appointed to represent indigent defendants immediately after they are brought before the issuing authority in all summary cases in which a jail sentence is possible, and immediately after preliminary arraignment in all court cases. This rule strives to accommodate the requirements of the Supreme Court of the United States to the practical problems of implementation. Thus, in summary cases, paragraph (A)(1) requires a pretrial determination by the issuing authority as to whether a jail sentence would be likely in the event of a finding of guilt in order to determine whether trial counsel should be [ assigned to ] appointed for indigent defendants. It is expected that the issuing authorities will in most instances be guided by their experience with the particular offense with which defendants are charged. This is the procedure recommended by the ABA Standards Relating to Providing Defense Services § 4.1 (Approved Draft 1968) and cited in the United States Supreme Court's opinion in *Argersinger*, supra. If there is any doubt, the issuing authority can seek the advice of the attorney for the Commonwealth, if one is prosecuting the case, as to whether the Commonwealth intends to recommend a jail sentence in case of conviction.

In court cases, paragraph [ (B) ] (A)(2) requires counsel to be [ assigned ] appointed at least in time to represent the defendant at preliminary hearing. Although difficulty may be experienced in some judicial districts in meeting the Coleman requirement, it is believed that this is somewhat offset by the prevention of many post-conviction proceedings which would otherwise be brought based on the denial of the right to counsel. However, there may be cases in which counsel has not been [ assigned ] appointed prior to the preliminary hearing stage of the proceedings; e.g., counsel for the preliminary hearing has been waived, or a then-ineligible defendant subsequently becomes eligible for [ assigned ] appointed counsel. In such cases it is expected that the defendant's right to [ assigned ] appointed counsel will be effectuated at the earliest appropriate time.

[ Subparagraph (C)(1) ] Paragraph (A)(3) retains in the issuing authority or judge the power to [ assign ]

**appoint** counsel regardless of indigency or other factors when, in **the** issuing authority's or **the** judge's opinion, the interests of justice require it.

Paragraph [ (C)(3) ] (B)(2) implements the decisions of *Douglas v. California*, 372 U.S. 353 (1963), and *Commonwealth v. Hickox*, 249 A.2d 777 (Pa. 1969), by providing that counsel appointed originally shall retain his or her [ **assignment** ] **appointment** until final judgment, which includes appellate procedure.

For suspension of Acts of Assembly, see Rule 1101.

**Official Note:** Rule 318 adopted November 29, 1972, effective 10 days hence; replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; **amended \_\_\_\_\_, 2002, effective \_\_\_\_\_, 2002.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning the contents of the appointment order published at 32 Pa.B. 1041 (February 23, 2002).**

## REPORT

*Proposed Amendments to Pa.Rs.Crim.P. 120 and 122*

### FILING OF APPOINTMENT ORDER ENTERS APPEARANCE; CONTENTS AND SERVICE OF APPOINTMENT ORDER

The Committee was asked by the Supreme Court's Common Pleas Project<sup>1</sup> Staff whether the filing of an order appointing counsel pursuant to Rule 122 (Assignment of Counsel)<sup>2</sup> satisfies the entry of appearance requirements of Rule 120 (Attorneys—Appearances and Withdrawals). During the Committee's consideration of this issue, we also noted there are no requirements concerning the appointment order. Accordingly, we are proposing the following changes to Rules 120 and 122.

#### 1) Rule 120 (Attorneys—Appearances and Withdrawals)

The issue of whether the filing of an order appointing counsel enters appointed counsel's appearance arose during one of the sessions of the Common Pleas Project. The project members had learned that in a number of judicial districts, appointed counsel is not required to file a formal entry of appearance; these judicial districts consider the filing of the appointment order to be tantamount to the entry of appearance. Because Rule 120 requires appointed counsel to file an entry of appearance, the project members requested a clarification.

During the Committee's consideration of the issue, a few Committee members expressed concerns about changing the rule. First, they questioned whether providing for the filing of the order to enter appointed counsel's appearance would create difficulties in the situation in which the appointed attorney does not want the appointment or has a conflict and cannot accept the appointment. The members concluded (1) this was not a problem because counsel would communicate with the judge and the judge would appoint a different attorney, which would satisfy the requirements of Rule 120; (2) the change

would be beneficial in situations in which the defendant is trying to hire counsel but has not done so; and (3) appointed counsel, being counsel of record, is available to represent the defendant if a critical stage, such as a request for a handwriting exemplar or a line up, arises.

The other concern was with the timeliness of the notice to counsel of the appointment. These members suggested permitting the filing of the order to also enter the appearance would cause problems for the appointed attorney who does not know that he or she has been appointed and his or her appearance entered. Again, the members did not think this would be a significant problem with automation because once the attorney's name, address, and phone number is entered into the automated system for the case, which would occur when either the appointment order or an entry of appearance is filed, the notices would be sent to that attorney.

Satisfied the members' concerns are addressed; agreeing that an entry of appearance that is filed as early as possible in a case is a benefit to the defendant, the attorneys, and the court; and recognizing that by having the filing of the appointment order enter appointed counsel's appearance, the prompt entry of appearance in these cases is ensured, the Committee is proposing that Rule 120 be amended by adding a new paragraph (B) specifically providing that the filing of the appointment order enters the appearance of appointed counsel. We also have added a paragraph to the Rule 120 Comment reiterating that appointed counsel does not have to file a separate entry of appearance, and cross-referencing Rule 122 (Assignment of Counsel) with regard to the contents and service of the appointment order.

#### 2) Rule 122 (Assignment of Counsel)

During the Committee's consideration of Rule 120, several members noted the difficulty they have experienced obtaining the name and address of appointed counsel, and expressed concern this would be exacerbated without a formal entry of appearance. The Committee agreed this could be a problem, and concluded the rules should require the appointment order include the name, address, and phone number of the appointed attorney. In addition, to ensure proper notice to not only appointed counsel and the attorney for the Commonwealth, but also the defendant and any previous counsel of record, the Committee agreed the rules should require service of the appointment order on these additional people.

Rule 122 currently only sets forth the procedures for the appointment of counsel; it does not address the appointment order. Accordingly, the Committee is proposing Rule 122 be amended by adding a paragraph requiring (1) the judge to include in the appointment order the name, address, and phone number of the appointed counsel, and (2) the order be served on the defendant, appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth.

Finally, while the Committee was "tinkering" with Rule 122, the members agreed to reorganize the rule by deleting the paragraph headings, and (1) moving paragraphs (A), (B), and (C) with regard to when counsel should be appointed into new paragraphs (A)(1), (2), and (3); (2) adding the new language concerning the content and service of the appointment order as new paragraph (B)(1); (3) moving current paragraph (C)(3) to paragraph (B)(2); and (4) making paragraph (C)(2) paragraph (C). In addition, because the terms "assignment" and "appointment" are used interchangeably throughout Rules 120

<sup>1</sup> The Common Pleas Project is developing a statewide automated case management system for the common pleas criminal courts.

<sup>2</sup> As part of this proposal, the title to Rule 122 is being changed to "Appointment of Counsel." This change is explained below in Part (2).

and 122, we agreed one term should be used, and are proposing "appointment" replace "assignment" in both Rules 120 and 122.

[Pa.B. Doc. No. 02-293. Filed for public inspection February 22, 2002, 9:00 a.m.]

[234 PA. CODE CHS. 4 AND 5]

Multiple Summary Offenses Charged on One Citation

Introduction

The Criminal Procedural Rules Committee is planning to recommend the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 403 (Contents of Citation), 453 (Joinder of Offenses and Defendants), and 505 (Complaints: Joinder of Offenses and Defendants). The changes would 1) make it clear that all summary offenses arising from the same conduct or arising from one criminal episode known at the time of issuance must be included on one citation, and 2) conform Rules 453 and 505 with the language in 18 Pa.C.S. §§ 109 and 110. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed Comment revisions precedes the Report. Deletions are in bold and brackets, and additions are bold.

We request interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, fax: (717) 795-2106, e-mail: criminal.rules@supreme.court.state.pa.us no later than Monday, March 25, 2002.

JOSEPH P. CONTI, Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART B. Citation Procedures

Rule 403. Contents of Citation.

(A) Every citation shall contain:

\* \* \* \* \*

(4) for each offense:

(a) the date and time when the offense is alleged to have been committed, provided however, if the day of the week is an essential element of the offense charged, such day must be specifically set forth;

[(5)] (b) the place where the offense is alleged to have been committed; and

[(6)] (c) a citation of the specific section and subsection of the statute or ordinance allegedly violated, to-

gether with a summary of the facts sufficient to advise the defendant of the nature of the offense charged;

[(7)] (5) \* \* \*

[(8)] (6) \* \* \*

[(9)] (7) \* \* \*

\* \* \* \* \*

Comment

\* \* \* \* \*

Paragraph (B)(6) was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial de novo following the entry of a guilty plea. See Rule [ 86 ] 460 (Notice of [ Appeals ] Appeal).

\* \* \* \* \*

Official Note: Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 53 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; renumbered Rule 403 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended \_\_\_\_\_, 2002, effective \_\_\_\_\_, 2002.

Committee Explanatory Reports:

\* \* \* \* \*

Report explaining the proposed amendments to paragraph (A) published at 32 Pa.B. 1043 (February 23, 2002).

PART E. General Procedures in Summary Cases Rule 453. Joinder of Offenses and Defendants.

\* \* \* \* \*

(B) When more than one summary offense is alleged to have been committed by one person arising from the same [ incident ] conduct or arising from the same criminal episode,

(1) the issuing authority shall accept only one citation,

(2) the matter shall proceed as a single case, and

(3) the issuing authority shall receive only one set of costs.

Comment

\* \* \* \* \*

Paragraph (B) was amended in 2002 to make it clear that all summary offenses arising from the same conduct or same criminal episode known at the time of issuance must be included on one citation.

**Official Note:** Rule 82 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 453 and amended March 1, 2000, effective April 1, 2001; **amended \_\_\_\_\_, 2002, effective \_\_\_\_\_, 2002.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to paragraph (B) published at 32 Pa.B. 1043 (February 23, 2002).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B(1). Complaint Procedures**

**Rule 505. Complaints: Joinder of Offenses and Defendants.**

\* \* \* \* \*

(B) When more than one offense is alleged to have been committed by one person arising from the same [ **incident** ] **conduct or arising from the same criminal episode**, the issuing authority shall accept only one complaint, and shall docket the matter as a single case.

\* \* \* \* \*

**Comment**

For criteria as to cases in which joinder is required prior to trial, see *Commonwealth v. Campana*, 304 A.2d 432 (Pa. 1973), and **18 Pa.C.S. §§ 109 and 110.**

**Official Note:** Original Rule 103, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 103 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 131 and amended September 18, 1973, effective January 1, 1974; renumbered Rule 105 and amended August 9, 1994, effective January 1, 1995; renumbered Rule 505 and amended March 1, 2000, effective April 1, 2001; **amended \_\_\_\_\_, 2002, effective \_\_\_\_\_, 2002.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to paragraph (B) published at 32 Pa.B. 1043 (February 23, 2002).**

**REPORT**

*Proposed Amendments to Pa.Rs.Crim.P. 403, 453, and 505*

**MULTIPLE SUMMARY OFFENSES CHARGED ON ONE CITATION**

**I. BACKGROUND**

The Committee undertook its review of the summary citation procedures after receiving correspondence from Merle H. Phillips, Majority Caucus Administrator for the House of Representatives. Mr. Phillips asked the Committee to redesign the traffic citations by adding a checkbox, which would indicate to the issuing authority whether the defendant also was violating "Pennsylvania seat belt laws." See 75 Pa.C.S. § 4581 (Restraint systems). He commented "this would reduce the percentage of people in Pennsylvania that are killed in automobile accidents as a result of not wearing a seat belt" and many "police chiefs ... believe that adding a seat belt violation checkbox

would allow officers to enforce seat belt laws more efficiently because they would not be required to fill out an additional citation." In subsequent correspondence, Mr. Phillips included copies of letters from several police chiefs expressing their interest in a "modification of the present traffic citation to allow for multiple violations to be cited on a single form, including the ability to cite for seat belt violations as a secondary offense."<sup>3</sup> This correspondence also pointed out that Section 4581 often is not enforced because, *inter alia*, the Criminal Rules are interpreted to permit only one charge per citation.<sup>4</sup>

Agreeing with the correspondents that the issue of charging more than one summary offense on a citation should be examined, the Committee looked at Rule 453 (Joinder of Offenses and Defendants), the summary case rule, and Rule 505 (Complaints: Joinder of Offenses and Defendants), the correlative court case rule. Although these rules address the joinder of offenses and defendants, Rule 453(B) provides "when more than one summary offense is alleged to have been committed by one person arising from the same incident, the matter shall proceed as a single case and the issuing authority shall receive only one set of costs," and Rule 505(B) provides "when more than one summary offense is alleged to have been committed by one person arising from the same incident, the issuing authority shall accept only one complaint, and shall docket the matter as a single case." It appears that this difference in wording of these correlative provisions has led to the interpretation of Rule 453(B) that there can only be one offense charged on a citation.

The Committee reviewed the history of Rule 453, spoke with the District Justice System staff and former Committee members and staff, and reviewed case law. We found nothing definitive to explain why the rules have been interpreted as requiring a separate citation for each offense, although one individual we contacted suggested the concept may have had something to do with accommodating the small size of the citation form.

Failing to uncover a clear source of the one offense/one citation requirement, the Committee considered the feasibility of changing the summary case requirement to conform with the multiple offenses/one complaint requirement in court cases set forth in Rule 505(B). We noted having all the offenses on one citation minimizes the tracking problems that can occur with multiple citations, and is more efficient because the law enforcement officer only needs to complete one citation. We also recognized that, with continued progress toward automation, the possibility of electronically transmitting the citation information is on the horizon, making the one offense/one citation requirement outdated. In view of these considerations, the Committee agreed it makes sense for the rules to be amended to make it clear that all summary offenses arising from the same conduct or arising from the criminal episode known at the time of issuance of the citation must be included on one citation. In reaching this decision, the Committee discussed the "checkbox" option, but agreed that aligning the summary case rules and the court case rules would cause the least confusion and is a better solution.

<sup>1</sup> Section 4581(a)(2) provides in part, "A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title."

<sup>2</sup> In addition, the correspondence noted that greater enforcement of Section 4581 would alert "the motoring public" that law enforcement personnel are serious in addressing seat belt violations, and result in a decrease of injury, death, and monetary loss.

## II. DISCUSSION OF PROPOSED RULE CHANGES

### A. Rules 453 and 505

Rule 453 presently provides the procedures for joinder of offenses and defendants in a summary case, and Rule 505 provides the procedures for joinder of offenses and defendants in a court case. The Committee is proposing Rules 453(B) and 505(B) be amended by replacing the term "incident" with the phrase "conduct or arising from the same criminal episode." This proposed change is intended to align the rules with the language in 18 Pa.C.S. §§ 109 (When prosecution barred by former prosecution for the same offense) and 110 (When prosecution barred by former prosecution for different offense).

As noted above, Rule 453 has been interpreted to mean that only one charge may be included on a citation. To make it clear that all charges known at the time of issuance must be included on one citation, the Committee is proposing that paragraph (B) be amended to conform with Rule 505(B) by the addition of the language "the issuing authority shall accept only one citation." To highlight this change, Rule 453(B) also would be divided into subparagraphs to more clearly set forth the procedures covered by this paragraph. Finally, the Committee is proposing the revision of the Comments to Rules 453 and 505 to make them consistent with the proposed new language in the text of the rules.

### B. Rule 403

Rule 403 provides the requirements for the contents of the citation. Paragraph (A) enumerates the information to be entered by the law enforcement officer. The Committee is proposing the reorganization of paragraph (A) to make it clear that the law enforcement officer must include for each offense the information concerning: the date and time when the offense is alleged to have been committed, see proposed paragraph (A)(4)(a); the place where the offense is alleged to have been committed, see proposed paragraph (A)(4)(b); and a citation of the specific section and subsection of the statute or ordinance allegedly violated, see proposed paragraph (A)(4)(c). The remaining paragraphs in (A) would be renumbered accordingly.

[Pa.B. Doc. No. 02-294. Filed for public inspection February 22, 2002, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## MONTGOMERY COUNTY

### Adoption of Local Rule of Civil Procedure—Rule 205.4\*—Electronic Filing and Service of Legal Papers; No. 02 00001

#### Order

And Now, this 18th day of January, 2002, the Court hereby adopts Montgomery County Local Rule of Civil Procedure, Rule 205.4\*. Electronic Filing and Service of Legal Papers.

This Rule shall become effective immediately.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be

filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

S. GERALD CORSO,  
*President Judge*

### Rule 205.4\*. Electronic Filing and Service of Legal Papers.

(i) The Montgomery County Court of Common Pleas hereby decrees that it will accept the electronic filing of legal papers and the electronic service of such papers, under the terms described in this Local Rule.

(1) The electronic filing initiative will begin with a pilot program. The Prothonotary's Office may select attorneys and/or law firms to participate in electronic filing during the pilot period. The Court will determine an appropriate length for the pilot period. At the conclusion of the pilot period, the Prothonotary's Office and the Court will jointly determine the appropriate steps to be taken with respect to electronic filing, in light of the experience gained during the pilot period.

(2) During the pilot period, electronic filing is permitted only in general civil cases for filings that:

- a. do not initiate a case;
- b. do not trigger a Court filing fee of any sort;
- c. are matters of public record, so that, for example, documents filed under seal may not be electronically filed, and
- d. are filed by attorneys (i.e. pro se electronic filing is not permitted at this time).

(3) Electronic filing shall be effectuated through an electronic filing system provided by Verilaw Technologies, Inc. Verilaw shall coordinate its efforts to provide an electronic filing system with the Prothonotary's Office, the Court, and with electronic filing attorneys.

(4) Electronic filing shall not be mandated, even for pilot participants. Accordingly, attorneys will retain the option to file documents through traditional means.

(5) The Verilaw system shall provide filing attorneys with electronic notification of the Prothonotary's Office's acceptance of electronically filed documents.

(6) A document that is electronically filed shall not be also filed by traditional paper means. The Prothonotary's Office, however, until further notice shall print hard copy versions of electronically filed documents and process the hard copy versions (for purposes of record retention and Court workflow) in the same manner as paper-filed documents.

(7) The electronic filing of a legal paper without a signature utilizing such attorney's unique user name and password assigned by Verilaw system shall constitute effective filing with the Court and a certification by the filing attorney that the original hard copy was properly signed, and, where applicable, verified. The filing attorney shall maintain the original hard copy of the original, inclusive of all signatures, in such attorney's files. Any party may require the filing attorney to produce the



original hard copy of the legal paper by serving notice thereof upon such attorney. The filing attorney must respond by producing the original hard copy of the legal paper within 14 days of receipt of such notice.

(8) Notwithstanding all applicable rules promulgated by the Supreme Court of Pennsylvania, Montgomery County or the Court governing service, the electronic service of legal paper via the Verilaw system shall be deemed complete and proper notice upon submission by the filing attorney and distribution thereof via the Verilaw system; provided, however, the receiving party must agree to accept service via electronic mail in writing, by inclusion of an electronic mail address on a notice of appearance or prior legal paper filed with the Court in the applicable action, or by becoming a registered user of the Verilaw system.

(9) Once a party has become a registered user of Verilaw's system and/or has agreed to accept service by inclusion of an e-mail address on legal paper filed with the Court in the applicable action, a party may only withdraw from the system by filing with the Prothonotary and giving written notice to all other parties to the action, a written document evidencing their withdrawal from the electronic filing program. Upon filing such a document, withdrawing attorneys must immediately deactivate their accounts on the Verilaw system. Withdrawal shall be deemed effective upon deactivation of the account.

(10) Verilaw shall provide electronic access at all times. On days that the Prothonotary is open any paper filed electronically with Verilaw prior to 4:45 p.m. Eastern Time, shall be deemed filed with the Prothonotary as of the date the document was sent to Verilaw. Any document filed electronically with Verilaw after 4:45 p.m. Eastern Time shall be deemed filed with the Prothonotary as of the next business day that the Prothonotary is open.

(11) In all other respects, all electronic filing shall be in accordance with Pa.R.C.P. 205.4, which governs the electronic filing of legal papers.

[Pa.B. Doc. No. 02-295. Filed for public inspection February 22, 2002, 9:00 a.m.]

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## SCHUYLKILL COUNTY

### Amended Criminal Rules of Procedure; M02-71

#### Order of Court

*And Now*, this 7th day of February, 2002, at 2:15 p.m., Schuylkill County Criminal Rule of Procedure No. 120 is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial

District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

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

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rules with the Pennsylvania Criminal Procedural Rules.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

WILLIAM E. BALDWIN,  
*President Judge*

#### Rule 120. Duties of Counsel.

Every counsel of record in a criminal case shall be timely present for each hearing, conference or other court proceeding involving his or her client as scheduled pursuant to the provisions of these rules, or as the Court may otherwise direct. It shall further be the duty of counsel to promptly notify the client of the date, time, place and duty to be present at each proceeding involving the client's case until such time as the case has been completed. Counsel who fail to comply with this rule may be subject to sanctions, including a finding of contempt.

Unless otherwise relived by Order of Court, counsel of record in a criminal proceeding shall be responsible for representing the defendant to the conclusion of the case including post-sentence motions and the filing of a direct appeal if requested to do so by the defendant. A motion to withdraw representation may be filed simultaneously with the filing of a direct appeal, but the filing of such motion does not relieve counsel from continuing to diligently represent the defendant's interests until relieved of representation by Order of Court.

[Pa.B. Doc. No. 02-296. Filed for public inspection February 22, 2002, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 31, 35, 41, 43, 45—47, 49,  
53, 55, 61, 63 AND 78—81]  
Food Code

The Department of Agriculture (Department) proposes to adopt Chapter 46 (relating to food code) to read as set forth in Annex A. The Department also proposes to delete Chapters 31 (relating to bakeries and bakery products), 35 (relating to condiments, spices, pickles and related products), 41 (relating to fruit and fruit products, butters, jellies and preserves), 43 (relating to flavoring materials), 45 (relating to general foods), 47 (relating to oleaginous materials; animal and vegetable fats and oils), 49 (relating to shellfish), 53 (relating to cider and vinegar standards), 55 (relating to coffee and tea standards), 61 (relating to packaged nonalcoholic drinks), 63 (relating to salad dressing and related products), 78 (relating to food establishments), 79 (relating to food service), 80 (relating to food vending machines) and 81 (relating to public places).

### *Statutory Authority*

The Food Act (act) (31 P. S. §§ 20.1—20.18), the Public Eating and Drinking Place Law (law) (35 P. S. §§ 655.1—655.13) and section 1705(d) of The Administrative Code of 1929 (71 P. S. § 445(d)) provide the legal authority for this proposed rulemaking.

The act charges the Department with the responsibility to: (1) regulate, register and inspect “food establishments” in this Commonwealth under section 14 (a) of the act (31 P. S. § 20.14(a)); (2) promulgate regulations and food safety standards necessary to the proper enforcement of the food safety requirements under section 13(a) of the act (31 P. S. § 20.13(a)); and (3) construe the statute and its attendant regulations in a manner that is as consistent with Federal statutory and regulatory authority as practicable under section 16 of the act (31 P. S. § 20.16).

The law charges the Department with the responsibility to regulate, license and inspect “public eating and drinking places” in this Commonwealth under sections 2 and 6(a) of the law (35 P. S. §§ 655.2 and 655.6(a)), and to regulate the cleanliness and sanitation of these public eating and drinking places under section 9 of the law (35 P. S. § 655.9). This responsibility had originally been assigned the former Department of Environmental Resources, but was transferred to the Department by the act of December 12, 1994 (P. L. 903, No. 131).

Section 1705(d) of The Administrative Code of 1929 requires the Department to establish regulatory standards necessary to enforce food safety laws.

### *Purpose*

This proposed rulemaking would draw authority from several food safety statutes to establish a comprehensive Food Code for this Commonwealth. The primary purpose of this proposed rulemaking is to achieve the public health goal of reducing foodborne illness to the fullest extent possible.

This proposed rulemaking would bring the Commonwealth’s food safety standards into step with the current National standards for food safety in the 1999 edition of

the *United States Public Health Service Food Code* (1999 Federal Recommended Food Code).

Food safety science is an evolving body of knowledge. It is the Department’s intention to adopt regulatory food safety standards that reflect current recommended National standards, and to revise these standards in the future as necessary to track with relevant revisions to these National standards.

Food safety considerations and procedures are essentially the same, whether the entity being regulated is a “food establishment” as described in the act or a “public eating and drinking place” as described in the law. For this reason, the proposed rulemaking would merge the definitions of these two terms into a single new term—“food facility”—and establish sanitation and food safety standards and procedures for these facilities.

### *Background*

The 1999 Federal Recommended Food Code is the product of a collaborative effort among the Department, the Food and Drug Administration, the Food Safety Inspection Service, the Centers for Disease Control, various State and local public health and food control agencies, food industry representatives, academia and consumers. It represents the state-of-the-science with respect to food handling and food safety.

The proposed rulemaking would establish the food safety standards, procedures and requirements of the 1999 Federal Recommended Food Code as those of the Commonwealth. The provisions have been reformatted and revised to track with the underlying statutory authority for the proposed rulemaking, as well as the administrative requirements of the Department.

The standards in the proposed rulemaking are consistent with the content of many of the food safety training courses offered to food industry employees over the years. For this reason, the proposed rulemaking presents a set of standards with which a large segment of this Commonwealth’s food industry is already familiar.

### *Need for the Proposed Rulemaking*

The proposed rulemaking is needed to reduce foodborne illness to the fullest extent possible. This public health and safety objective is the primary reason for the proposed rulemaking.

The food safety standards in the proposed rulemaking should also serve the regulated community by helping to lower the number of claims and lawsuits related to foodborne illness.

The Department is satisfied there are no reasonable alternatives to proceeding with the proposed rulemaking. The Department is also satisfied the proposed rulemaking meets the requirements of Executive Order No. 1996-1, “Regulatory Review and Promulgation.”

### *Overview of the Major Provisions of the Proposed Rulemaking*

Proposed § 46.3 (relating to definitions) would define numerous terms, including “food facility.” The majority of these definitions have their origin in the 1999 Federal Recommended Food Code, the act or the law.

Proposed Subchapter B (relating to management and personnel) would require a food facility have a designated person in charge of the facility, and ascribe specific duties and responsibilities to that person. In addition, the

subchapter would prescribe disease/illness reporting standards, personal cleanliness requirements and other hygienic practices to limit incidents of foodborne illness.

Proposed Subchapter C (relating to food) would establish handling and preparation requirements that track food from its point of origin to its point of consumption.

Proposed §§ 46.211—46.221 would establish limitations and restrictions with respect to the sources from which a food facility may obtain various foods.

Proposed §§ 46.241—46.301 (relating to specifications for receiving, original containers and records) would specify the conditions at which various types of food are to be received by a food facility. These conditions include the maximum receiving temperatures for potentially hazardous foods, pasteurization requirements for milk and milk products and mandatory labeling/origin information for shellfish and shellstock.

Proposed §§ 46.261, 46.262, 46.281—46.286 and 46.301—46.307 (relating to preventing contamination by employees; preventing food and ingredient contamination; and preventing contamination from equipment, utensils and linens) would prescribe various practices intended to keep food from being contaminated after it has reached a food facility. These practices include measures to prevent contamination from hands and skin, the commingling of foods, misuse of food preparation equipment, utensils and linens and other potential sources of contamination.

Proposed §§ 46.321—46.323 and 46.341—46.345 (relating to preventing contamination from the premises; and preventing contamination by consumers) would establish requirements to help prevent contamination of food from the premises of the food facility or from contact with consumers.

Proposed §§ 46.361—46.365 (relating to destruction of organisms of public health concern) would establish procedures intended to destroy harmful organisms that can live in food. These provisions would establish minimum time/temperature standards for the cooking of meat and vegetables, for foods cooked by microwave and for cooked foods that are reheated. In addition, proposed § 46.364 (relating to parasite destruction in fish other than molluscan shellfish by freezing) would establish specific freezing time/temperature requirements and recordkeeping requirements for fish.

Proposed §§ 46.381—46.385 (relating to temperature and time control for limitation of growth of organisms of public health concern) would require certain procedures and standards intended to limit the growth of harmful organisms in potentially hazardous foods (foods capable of supporting the rapid growth of infectious or toxic microorganisms), such as, milk, eggs, meat and poultry.

The proposed rulemaking would allow for food to be processed by a specialized method (such as, by smoking or processing in a reduced-oxygen atmosphere) if the processor first obtains a variance from the Department. This would be addressed in proposed § 46.401 (relating to variance requirement for specialized processing methods).

Proposed § 46.422 (relating to labeling) would require particular label information on packaged foods and certain bulk foods. Proposed § 46.423 (relating to consumer advisory required with respect to animal foods that are raw, undercooked or not otherwise processed to eliminate pathogens) would require a vendor to provide a special warning to consumers if it sells a ready-to-eat food that has as a component a food that is raw, undercooked or not otherwise processed to eliminate pathogens. The warning

would advise members of certain highly-susceptible populations (the very young, the very old and other immunocompromised groups) of the potential health hazards involved in consuming raw or undercooked foods. In addition, food served to these highly-susceptible populations would have additional requirements imposed under proposed § 46.461 (relating to additional safeguards for a food facility that serves a highly-susceptible population).

In summary, proposed Subchapter D (relating to equipment, utensils and linens) would address the facilities, equipment and articles that come into contact or proximity with food and that have the demonstrated potential to cause or harbor foodborne illness. This includes utensils and surfaces with which food comes into contact. It also includes the design and construction of the food facility, the accuracy of temperature measuring devices, the design and cleanliness of food dispensing equipment, the design and operation of warewashing machines, the maximum capacities of various pieces of equipment, the location of equipment, the maintenance of equipment and the cleaning and sanitization of equipment and utensils.

Proposed Subchapter E (relating to water, plumbing and waste) would establish standards for the quantity and quality of drinking water and water used in food preparation at a food facility. The subchapter would also address the construction, number, location, operation and maintenance of plumbing systems at food facilities, as well as refuse storage.

Proposed Subchapter F (relating to physical facilities) would establish a set of general standards intended to ensure that a food facility is designed and constructed so as to minimize foodborne illness. These standards entail a food facility having cleanable food surfaces, cleanable floors, walls and ceilings, adequate handwashing facilities and adequate lighting and ventilation.

Proposed Subchapter G (relating to poisonous or toxic materials) would establish requirements for the safe labeling, storage and use of toxic substances in a food facility. These substances might include pesticides, medicines, cleaners, lubricants and other materials.

Proposed Subchapter H (relating to administrative provisions) would establish a process by which a food facility might obtain a variance from the Department to allow a practice or procedure not otherwise permitted under the chapter. This would only be done when a health hazard would not result from the variance. The subchapter would also address the process by which a food facility can obtain the registration required of a food establishment under the act or the license required of a public eating or drinking place under the law.

#### *Affected Individuals and Organizations*

The proposed rulemaking would impact upon the public by reducing the number of foodborne illness outbreaks originating from food facilities.

Food establishments and public eating or drinking places, collectively referred to as "food facilities" in the proposed rulemaking, would also be affected by this proposed rulemaking. These food facilities would be expected to comply with the standards of this chapter.

#### *Fiscal Impact*

*Commonwealth.* The proposed rulemaking would impose no costs and have no fiscal impact on the Commonwealth. The Department currently registers and inspects food establishments under the act and issues licenses allowing the operation of public eating and drinking places under the law. The proposed rulemaking would

merge the Department's regulatory functions into a single set of standards applicable to all "food facilities" in this Commonwealth.

*Political Subdivisions.* The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

*Private Sector.* The proposed rulemaking might impose some initial cost on the private sector, although this cannot be readily quantified. Since the food safety standards prescribed by the proposed rulemaking reflect rather widely-known food safety concerns, the Department expects most food facilities in operation within this Commonwealth are currently meeting these standards or would have relatively little difficulty meeting them. In addition, the proposed rulemaking is likely to result in a decrease in the number of lawsuits relating to foodborne illness originating from food facilities, with a resultant savings in costs attributable to litigation and awards of damages. These savings are not readily quantifiable.

*General Public.* The proposed rulemaking would enhance public health and safety. It is expected to reduce the number of cases of foodborne illness attributable to food originating from food facilities in this Commonwealth. This should result in some indeterminate cost savings to the general public.

*Paperwork Requirements*

The proposed rulemaking is not likely to appreciably impact upon the paperwork generated by the Department or food facilities.

*Effective Date*

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

*Sunset Date*

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of these regulations on an ongoing basis.

*Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*.

Comments are to be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Sheri Dove.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 8, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. The Department also provided IRRC and the Committees a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has an objection to any portion of the proposed rulemaking, it must so 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. The Regulatory Review Act sets forth detailed procedures for review of

these objections by the Department, the General Assembly and the Governor prior to the final publication of the proposed rulemaking.

SAMUEL E. HAYES, Jr.,  
*Secretary*

**Fiscal Note:** 2-137. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE.**

**PART III. BUREAU OF FOOD SAFETY AND  
LABORATORY SERVICES**

*(Editor's Note:* The Department is proposing to delete Chapter 31, Pa. Code pages 31-1 to 31-9, serial pages (217445) to (217453).)

**CHAPTER 31. (Reserved)**

**§ 31.1. (Reserved).**

**§§ 31.11—31.23. (Reserved).**

**§§ 31.31—31.39. (Reserved).**

*(Editor's Note:* The Department proposes to delete Chapter 35, Pa. Code pages 35-1 and 35-2, serial pages (217455) to (217456).)

**CHAPTER 35. (Reserved)**

**§§ 35.1—35.11. (Reserved).**

*(Editor's Note:* The Department is proposing to delete Chapter 41, Pa. Code pages 41-1—41-6, serial pages (217537) to (217542).)

**CHAPTER 41. (Reserved)**

**§§ 41.1—41.4. (Reserved).**

**§§ 41.11—41.14. (Reserved).**

**§§ 41.21—41.24. (Reserved).**

*(Editor's Note:* The Department proposes to delete Chapter 43, Pa. Code pages 43-1—43-5, serial pages (217543) to (217547).)

**CHAPTER 43. (Reserved)**

**§§ 43.1—43.8. (Reserved).**

*(Editor's Note:* The Department proposed to delete Chapter 45, Pa. Code pages 45-1—45-11, serial pages (217549) to (217559).)

**§§ 45.1—45.7. (Reserved).**

**§§ 45.21—45.24. (Reserved).**

**§§ 45.31—45.33. (Reserved).**

**§§ 45.41—45.44. (Reserved).**

**§§ 45.51—45.54. (Reserved).**

**§§ 45.61—45.64. (Reserved).**

**§ 45.71. (Reserved).**

**§ 45.72. (Reserved).**

**§§ 45.81—45.87. (Reserved).**

**§§ 45.91—45.93. (Reserved).**

**CHAPTER 46. FOOD CODE**

**Subch.**

- A. PURPOSE AND DEFINITIONS**
- B. MANAGEMENT AND PERSONNEL**
- C. FOOD**
- D. EQUIPMENT, UTENSILS AND LINENS**
- E. WATER, PLUMBING AND WASTE**
- F. PHYSICAL FACILITIES**

G. POISONOUS OR TOXIC MATERIALS  
 H. ADMINISTRATIVE PROCEDURES

**Subchapter A. PURPOSE AND DEFINITIONS**

Sec.	
46.1.	Purpose.
46.2.	Scope.
46.3.	Definitions.

**§ 46.1. Purpose.**

The purpose of this chapter is to safeguard public health and ensure that consumers are provided food that is safe, unadulterated and honestly presented.

**§ 46.2. Scope.**

This chapter establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food facility plan review, permitting, licensing, registration, inspection and employee restriction.

**§ 46.3. Definitions.**

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

*Act*—The Food Act (31 P. S. §§ 20.1—20.18).

*Additive*—A food additive or a color additive.

*Adulterated*—Food with respect to which one or more of the following is accurate:

(i) The food bears or contains any poisonous or deleterious substance, which may render it injurious to health. However, if the substance is not an added substance, the food will not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health.

(ii) The food bears or contains any added poisonous or added deleterious substance, which is unsafe within the meaning of section 11 of the act (31 P. S. § 20.11). This subparagraph does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.

(iii) The food is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of section 11 of the act, except that, when a pesticide chemical has been used in or on a raw agricultural commodity with an exception granted or tolerance prescribed under section 11 of the act or under any of the Federal acts and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of the pesticide remaining in or on the processed food will, notwithstanding section 11 of the act and this subparagraph, not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

(iv) The food bears or contains any food additive, which is unsafe within the meaning of section 11 of the act or any of the Federal acts.

(v) The food consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food.

(vi) The food has been produced, prepared, packed or held under unsanitary conditions so that it may have become contaminated with filth or may have been rendered diseased, unwholesome or injurious to health.

(vii) The food is, in whole or part, the product of a diseased animal or of an animal which has died otherwise than by slaughter.

(viii) The food is in a container composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health, unless the container is fabricated or manufactured with good manufacturing practices as that standard is defined and delineated by any of the Federal acts and their regulations.

(ix) The food has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption under section 11 of the act or under one of the Federal acts.

(x) The food has had any valuable constituent, in whole or part, omitted or abstracted therefrom.

(xi) The food has had any substance substituted wholly or in part.

(xii) Damage or inferiority of the food is concealed in any manner.

(xiii) A substance has been added to the food and it is mixed or packed so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(xiv) The food bears or contains any color additive which is unsafe within the meaning of section 11 of the act or under one of the Federal acts.

(xv) The food bears or contains eggs processed by or egg products derived from a manufacturing, processing or preparing method wherein whole eggs are broken using a centrifuge-type egg breaking machine that separates the egg's liquid interior from the shell.

*Approved*—Acceptable to the Department based on a determination of conformity with principles, practices and generally recognized standards that protect public health.

*Bed and breakfast homestead or inn*—A private residence which contains 10 or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.

*Beverage*—A liquid for drinking, including water.

*Bottled drinking water*—Water that is sealed in bottles, packages or other containers and offered for sale for human consumption. The term includes bottled mineral water.

*CIP—cleaned in place*—

(i) Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

(ii) The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

*Certification number*—A unique combination of letters and numbers assigned by the Department or other shellfish control authority having jurisdiction to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

*Color additive*—A material which is a dye, pigment or other substance made by a process of synthesis or similar

artifice or extracted, isolated or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral or other source and when added or applied to a food is capable, alone or through reaction with other substances, of imparting color thereto.

(i) The term includes black, white and intermediate grays.

(ii) The term does not include materials, which the Secretary, by regulation, determines is used, or intends to be used, solely for a purpose other than coloring.

(iii) The term does not include any pesticide chemical, soil or plant nutrient or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or otherwise natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

*Comminuted*—A food that is reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

*Confirmed disease outbreak*—A foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

*Controlled atmosphere packaging*—A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food and impermeable packaging material.

*Consumer*—A person, who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility and does not offer the food for resale.

*Corrosion-resistant material*—A material that maintains acceptable surface cleanliness characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

*Critical control point*—A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

*Critical limit*—The maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

*Department*—The Department of Agriculture of the Commonwealth.

*Drinking water, potable water or water*—Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17). The term does not include water such as boiler water, mop water, rainwater, wastewater and “nondrinking” water.

*Dry storage area*—A room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single service items.

*EPA*—The United States Environmental Protection Agency.

*Easily cleanable*—

(i) A characteristic of a surface that:

(A) Allows effective removal of soil by normal cleaning methods.

(B) Is dependent on the material, design, construction and installation of the surface.

(C) Varies with the likelihood of the surface’s role in introducing pathogenic or toxic agents or other contaminants into food based on the surface’s approved placement, purpose and use.

(ii) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (i) to different situations in which varying degrees of cleanability are required, such as one of the following:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

*Easily movable*—A unit of equipment that is both of the following:

(i) Portable; mounted on casters, gliders or rollers; or provided with a mechanical means to safely tilt the unit of equipment for cleaning.

(ii) Has no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

*Employee*—The permit, license or registration holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food facility.

*Equipment*—

(i) An article that is used in the operation of a food facility such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine or warewashing machine.

(ii) The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks and skids.

*FDA*—The United States Food and Drug Administration.

*Fish*—The term includes:

(i) Fresh or saltwater finfish, crustaceans, all mollusks and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of those animals), other than birds or mammals, if the animal life is intended for human consumption.

(ii) The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

*Food*—An article used for food or drink by humans, including chewing gum and articles used for components of any article. The term does not include medicines and drugs.

*Foodborne disease outbreak*—One of the following:

(i) An incident in which two or more persons experience a similar illness after ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness.

(ii) An incident in which one or more persons experience illness from botulism or chemical poisoning.

*Food-contact surface*—One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food, or onto a surface normally in contact with food.

*Food additive*—

(i) A substance, the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, with respect to which one or more of the following is correct:

(A) The substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures to be safe under the conditions of its intended use.

(B) The substance has been used in food prior to January 1, 1958, and is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use.

(ii) The term does not include the following:

(A) A pesticide chemical in or on a raw agricultural commodity.

(B) A pesticide chemical to the extent that it is intended for use or is used in the production, storage or transportation of any raw agricultural commodity.

(C) A color additive.

(D) A substance used in accordance with a sanction or approval granted prior to the enactment of this subparagraph under a statute repealed by the act, under the Poultry Products Inspection Act (21 U.S.C.A. §§ 451—471) or under the Wholesome Meat Inspection Act (21 U.S.C.A. §§ 476a—467f and 470).

(E) A new animal drug.

*Food employee*—An individual working with unpackaged food, food equipment or utensils, or food contact surfaces.

*Food establishment*—

(i) A retail food store and a room, building or place or portion thereof or vehicle maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing or transporting or handling food.

(ii) The term includes those portions of public eating and drinking licensees which offer food for sale for

off-premises consumption, except those portions of establishments operating exclusively under milk or milk products permits.

*Food facility*—A public eating or drinking place or a food establishment. The term includes food service facilities provided by an organized camp or campground.

*Food facility operator*—The entity that is legally responsible for the operation of the food facility, such as the owner, owner's agent or other person.

*Food facility premises*—The food facility, its contents and the contiguous land or property under the control of the food facility operator. If a food facility is a component of a larger operation, such as a hotel, motel, school or recreation camp, and that larger operation is also under the control of the food facility operator, that larger operation is part of the food facility premises to the extent it may impact the food facility, its personnel or its operations.

*Game animal*—

(i) An animal, the products of which are food, that is not classified as any of the following:

(A) Fish, as that term is defined in this chapter.

(B) Cattle, sheep, swine, goat, horse, mule or other equine, as those terms are used in 9 CFR Chapter III, Subchapter A (relating to agency organization and terminology; mandatory meat and poultry products inspection and voluntary inspection and certification), or any subsequent revision or restatement thereof.

(C) Poultry, as that term is used in 9 CFR Chapter III, Subchapter A (relating to mandatory poultry products inspection) or any subsequent revision or restatement thereof.

(D) Ratites, such as ostriches, emus or rheas.

(ii) The term includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

*General use pesticide*—A pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 (relating to pesticides classified for restricted use), or any subsequent revision or restatement thereof.

*HACCP—Hazard Analysis Critical Control Point*—A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect the safety of the food products.

*HACCP plan*—A written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

*Hazard*—A biological, chemical or physical property that may cause an unacceptable consumer health risk.

*Hermetically sealed container*—A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

*High humidity cooking*—Cooking in an oven that attains relative humidity of greater than 90% for at least 1

hour as measured in the cooking chamber or exit of the oven, or cooking in a moisture-impermeable bag that provides 100% humidity.

*Highly susceptible population*—A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised.

*Imminent health hazard*—A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on one or more of the following:

- (i) The number of potential injuries.
- (ii) The nature, severity and duration of the anticipated injury.

*Injected*—Manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as “injecting,” “pinning” or “stitch pumping.”

*Juice*—When used in the context of food safety, the term refers to the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrate of the liquid or purée. This definition does not apply to standards of identity established by the FDA or USDA.

*Kitchenware*—Food preparation and storage utensils.

*Linens*—Fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths and work garments, including cloth gloves.

*mg/L*—Milligrams per liter, which is the metric equivalent of parts per million (ppm).

*Meat*—The flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. The term does not include fish, poultry and wild game animals as specified under § 46.221(b) and (c) (relating to game animals).

*Milk Sanitation Law*—The act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660e).

*Modified atmosphere packaging*—

(i) A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food.

(ii) The term includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen.

*Molluscan shellfish*—An edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

*pH*—The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

*Packaged*—

(i) Bottled, canned, cartoned, securely bagged or securely wrapped in a food facility.

(ii) The term does not include a wrapper, carryout box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

*Pennsylvania Construction Code Act*—35 P. S. §§ 7210.101—7210.1103.

*Person*—A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

*Person in charge*—The individual present at a food facility responsible for the operation at the time of inspection.

*Personal care items*—

(i) Items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance.

(ii) The term includes items such as medicines, first aid supplies, cosmetics, toiletries (such as toothpaste and mouthwash) and similar items.

*Physical facilities*—The structure and interior surfaces of a food facility, including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

*Plumbing fixture*—A receptacle or device that is one or more of the following:

(i) Permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system.

(ii) Discharges used water, waste materials or sewage directly or indirectly to the drainage system of the premises.

*Plumbing system*—The water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices and appurtenances within the premises; and water-treating equipment.

*Poisonous or toxic material*—A substance that is not intended for ingestion and that fits within one or more of the following categories:

(i) Cleaners and sanitizers, including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals.

(ii) Pesticides.

(iii) Substances necessary for the operation and maintenance of the establishment, such as nonfood grade lubricants, solvents and personal care items that may be deleterious to health.

(iv) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

*Potentially hazardous food*—

(i) A food which consists in whole or part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingre-



2dients, which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(ii) The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

*Poultry*—One or more of the following:

(i) A domesticated bird (chickens, ducks, geese or guineas), whether live or dead, as defined in 9 CFR Chapter III, Subchapter A, Part 381 or any subsequent revision or restatement thereof.

(ii) A migratory waterfowl, game bird or squab such as pheasant, partridge, quail, grouse or guineas, whether live or dead, as defined in the USDA regulations in 9 CFR Chapter III, Subchapter A, Part 362 (relating to voluntary poultry inspection program) or any subsequent revision or restatement thereof.

(iii) The term does not include ratites.

*Primal cut*—A basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.

*Private water system*—A system for the provision of piped water for human consumption that is not a public water system.

*Public Eating and Drinking Place Law*—The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. §§ 655.1—655.13).

*Public eating and drinking places license*—A grant to a licensee to conduct a public eating and drinking place as defined in the Public Eating and Drinking Place Law.

*Public eating or drinking place*—

(i) A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge.

(ii) This provision does apply to dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Public water system*—A system which provides water to the public for human consumption, and which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

(i) The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system.

(ii) The term also includes a system which provides water for bottling or bulk hauling for human consumption.

*Ratite*—An animal belonging to the same family as ostriches, emus and rheas.

*Ready-to-eat food*—

(i) Food in a form that is edible without washing, cooking or additional preparation by the food facility or the consumer, and that is reasonably expected to be consumed in that form.

(ii) The term includes:

(A) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under § 46.361 (relating to cooking raw animal foods).

(B) Raw, washed, cut fruits and vegetables.

(C) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.

(D) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks or shells are removed.

*Reduced oxygen packaging*—

(i) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding 21% oxygen atmosphere.

(ii) A process as specified in subparagraph (i) that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.

(iii) The term includes vacuum packaging, modified atmosphere packaging and controlled atmosphere packaging.

*Refuse*—Solid waste not carried by water through the sewage system.

*Reg. Penna. Dept. Agr.*—An abbreviation connoting that a food bearing that abbreviation on its package label has been processed by a food facility that is "registered with the Pennsylvania Department of Agriculture" in accordance with section 14(a) of the act (31 P. S. § 20.14(a)).

*Restricted use pesticide*—A pesticide classified for restricted use under section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136(d)), or a pesticide designated by the Secretary for restricted use under section 7(b)(6) of the Pennsylvania Pesticide Control Act of 1973 (3 P. S. § 111.27(b)(6)).

*Safe material*—One or more of the following:

(i) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

(ii) An additive that is used as specified in section 409 or section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301 and 376).

(iii) A material that is not an additive and that is used in conformity with applicable regulations of the FDA.

*Sanitization*—The application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

*Sealed*—Free of cracks or other openings that allow the entry or passage of moisture.

*Service animal*—An animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

*Secretary*—The Secretary of the Department or an authorized representative, employee or agent of the Department.

*Servicing area*—An operating base location to which a mobile food facility or transportation vehicle returns

regularly for things such as discharging liquid or solid wastes, refilling water tanks and ice bins and boarding food.

*Sewage*—A substance, which contains waste products or excrements or other discharges from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

*Shellfish control authority*—A State, Federal, foreign, tribal or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

*Shellfish permit*—A permit issued by the Department in accordance with this chapter and the National Shellfish Sanitation Program, that authorizes a person to operate a food establishment for shellfish.

*Shellfish permit holder*—The entity that meets the following conditions:

(i) Is legally responsible for the operation of the food facility such as the owner, owner's agent or other person.

(ii) Possesses a valid shellfish permit to operate a shellfish food facility.

*Shellstock*—Raw, in-shell molluscan shellfish.

*Shucked shellfish*—Molluscan shellfish that have one or both shells removed.

*Single-service articles*—Tableware, carry-out utensils and other items such as bags, containers, place mats, stirrers, straws, toothpicks and wrappers that are designed and constructed for one time, one person consumer use after which they are intended for discard.

*Single-use articles*—

(i) Utensils and bulk food containers designed and constructed to be used once and discarded.

(ii) The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number 10 cans which do not meet the materials, durability, strength and cleanability specifications in §§ 46.521(a), 46.541(a) and 46.542(a) and (b) (relating to materials in multiuse utensils and food contact surfaces; durability and strength; and cleanability of multiuse food-contact surfaces and CIP equipment) for multiuse utensils.

(iii) The term does not include formed aluminum containers, used in conjunction with pan liners that may be reused to cook nonpotentially hazardous baked goods.

*Slacking*—The process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of  $-23^{\circ}\text{C}$  ( $-10^{\circ}\text{F}$ ) to  $-4^{\circ}\text{C}$  ( $25^{\circ}\text{F}$ ) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

*Smooth*—One or more of the following:

(i) A food-contact surface having a surface free of pits and inclusions with cleanability equal to or exceeding that of (100 grit) number-3 stainless steel.

(ii) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.

(iii) A floor, wall or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

*Substance*—A substance intended for use in producing, manufacturing, packaging, processing, preparing, treating, transporting or holding food and any source of radiation intended for any use.

*Sulfiting agent*—A substance which imparts a residual of sulfur dioxide.

*Table-mounted equipment*—Equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.

*Tableware*—Eating, drinking and serving utensils for table use such as plates, flatware (including forks, knives, and spoons) and hollowware (including bowls, cups, serving dishes and tumblers).

*Temperature measuring device*—A thermometer, thermocouple, thermistor or other device that indicates the temperature of food, air or water.

*Temporary food facility*—A food facility that operates for a period of no more than 14 days a year utilizing a permanent facility or in conjunction with a single event or celebration.

*USDA*—The United States Department of Agriculture.

*Utensil*—A food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food. The term includes the following:

(i) Kitchenware or tableware that is multiuse, single-service or single-use.

(ii) Gloves used in contact with food.

(iii) Food temperature measuring devices.

(iv) Probe-type price or identification tags used in contact with food.

*Vacuum packaging*—A type of reduced oxygen packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.

*Variance*—A written document issued by the Department that authorizes a modification or waiver of one or more requirements of this chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

*Vending machine*—A self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

*Vending machine location*—The room, enclosure, space or area where one or more vending machines are installed and operated. The term includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

*Warewashing*—The cleaning and sanitizing of food-contact surfaces of equipment and utensils.

*Water activity or  $a_w$* —A measure of the free moisture in a food, obtained by dividing the water vapor pressure of the substance by the vapor pressure of pure water at the same temperature. Water activity is typically indicated by the symbol  $a_w$ .

*Water for human consumption*—The term includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

*Whole-muscle, intact beef*—Whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

**Subchapter B. MANAGEMENT AND PERSONNEL**

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**SUPERVISION**

**§ 46.101. Designation of person in charge.**

The food facility operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food facility during all hours of operation.

**§ 46.102. Duties of the person in charge.**

The person in charge shall perform the following duties:

- (1) Ensure that food facility operations are not conducted in a private home where the food facility has not been approved by the Department, or in a room used as living or sleeping quarters as specified in § 46.922(k) (relating to functionality of various physical facilities of a food facility).
- (2) Ensure that persons unnecessary to the food facility operation are not allowed in the food preparation, food storage or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, linens and unwrapped single-service and single-use articles are protected from contamination.
- (3) Ensure that employees and other persons (such as delivery and maintenance persons and pesticide applicators) entering the food preparation, food storage and warewashing areas comply with this chapter.
- (4) Routinely monitor employee handwashing to ensure that employees effectively clean their hands.
- (5) Routinely monitor employee observations and periodically evaluate foods upon receipt to ensure that employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated and accurately presented.
- (6) Conduct daily oversight of the employees' routine monitoring of cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated in accordance with §§ 46.561 and 46.691(b) (relating to accuracy of temperature measuring devices for food; and to utensils and temperature and pressure measuring devices: repair and calibration), to ensure the

employees are properly cooking potentially hazardous food, and are being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats.

(7) Conduct daily oversight of the employees' routine monitoring of food temperatures during cooling, to ensure that employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within 4 hours.

(8) Ensure that consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed, in accordance with § 46.423 (relating to consumer advisory required with respect to animal foods that are raw, undercooked or not otherwise processed to eliminate pathogens), that the food is not cooked sufficiently to ensure its safety.

(9) Routinely monitor solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing, to ensure that employees properly sanitize cleaned multiuse equipment and utensils before they are reused.

(10) Ensure that consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets, in accordance with § 46.306 (relating to using clean tableware for second portions and refills).

(11) Ensure that employees prevent cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils. These utensils may include deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

(12) Ensure that employees are properly trained in food safety as it relates to their assigned duties.

**EMPLOYEE HEALTH**

**§ 46.111. Duty to report disease or medical condition.**

(a) *Responsibility of a food facility operator to require reporting.* A food facility operator shall require a food employee and a food employee applicant to whom a conditional offer of employment is made to report to the person in charge, information about their health and activities as they relate to diseases described in § 46.112 (relating to diseases or medical conditions that must be reported) or diseases that are transmissible through food.

(b) *Responsibility of a person in charge to report information to Department.* The person in charge shall notify the Department that a food employee is diagnosed with an illness due to *Salmonella typhi*, *Shigella* spp., *Escherichia coli* O157:H7 or hepatitis A virus.

(c) *Responsibilities of a food employee or food employee applicant.* A food employee or a person who applies for a job as a food employee shall report to the person in charge the information specified in this section in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission. This information includes the date of onset of jaundice or the date of onset of any illness or condition specified in § 46.112.

**§ 46.112. Diseases or medical conditions that must be reported.**

A food employee or food employee applicant shall report the following diseases or medical conditions to the person in charge:

- (1) A diagnosis of an illness due to any of the following:
  - (i) *Salmonella typhi*.

- (ii) *Shigella* spp.
  - (iii) *Escherichia coli* O157:H7.
  - (iv) Hepatitis A virus.
- (2) A past illness from any of the infectious agents listed in paragraph (1).
- (3) A symptom caused by illness, infection or other source, where that symptom is associated with an acute gastrointestinal illness such as any of the following:
- (i) Diarrhea.
  - (ii) Fever.
  - (iii) Vomiting.
  - (iv) Jaundice.
  - (v) Sore throat with fever.
- (4) A lesion containing pus such as a boil or infected wound that is open or draining and is any of the following:
- (i) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover.
  - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover.
  - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.
- (5) Is suspected of causing a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7 or hepatitis A virus, including an outbreak at an event such as a family meal, church supper or festival because the food employee or applicant prepared food implicated in the outbreak.
- (6) Is suspected of being exposed to a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus, including an outbreak at an event such as a family meal, church supper or festival because the food employee or applicant did either of the following:
- (i) Consumed food implicated in the outbreak.
  - (ii) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.
- (7) Lives in the same household as a person who is diagnosed with a disease caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7 or hepatitis A virus.
- (8) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7 or hepatitis A virus.
- § 46.113. Duty to impose exclusions and restrictions.**
- (a) *General exclusions and restrictions.* A person in charge shall impose the following exclusions and restrictions:
- (1) Exclude a food employee from a food facility if the food employee is diagnosed with an infectious agent specified in § 46.112(1) (relating to diseases or medical conditions that must be reported).
  - (2) Restrict a food employee from working with exposed food; clean equipment, utensils, linens and unwrapped single-service and single-use articles, in a food facility if the food employee is either of the following:

(i) Experiencing a symptom specified in § 46.112(3) or (4).

(ii) Not experiencing a symptom of acute gastroenteritis specified in § 46.112(3), but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Shigella* spp. or *Escherichia coli* O157:H7.

(b) *Special exclusions with respect to a food employee who is jaundiced.* If a food employee is jaundiced, the person in charge shall exclude the food employee as a food handler until 7 days after the onset of jaundice. If a food employee is jaundiced more than 7 days after onset, the person in charge shall restrict the food employee from working with exposed food and clean equipment, utensils, linens and unwrapped single service and single use articles in a food facility.

(c) *Special exclusions with respect to a food facility serving a highly susceptible population.* If the population served by the food facility is a highly susceptible population, a person in charge shall impose any exclusions or restrictions required under subsection (a) and also exclude a food employee from the food facility if the food employee is any of the following:

(1) Experiencing a symptom of acute gastrointestinal illness specified in § 46.112(3) and meets any of the high-risk conditions specified in § 46.112(5), (6), (7) or (8).

(2) Is not experiencing a symptom of acute gastroenteritis specified in § 46.112(3), but has a stool that yields a specimen culture that is positive for *S. typhi*, *Shigella* spp. or *E. coli* O157:H7.

(3) Had a past illness from *S. typhi* within the last 3 months.

(4) Had a past illness from *Shigella* spp. or *E. coli* O157:H7 within the last month.

(5) Jaundiced, regardless of the time of onset.

**§ 46.114. Duty to comply with exclusions and restrictions.**

A food employee or a person who applies for a job as a food employee shall comply with exclusions and restrictions that are imposed by the person in charge under authority of § 46.113 (relating to duty to impose exclusions and restrictions).

**§ 46.115. Removing exclusions and restrictions.**

(a) *Disease or medical condition described in § 46.112(1).* A person in charge may remove an exclusion imposed as a result of a disease or medical condition described in § 46.112(1) (relating to diseases or medical conditions that must be reported) if the excluded person provides the person in charge written medical documentation specifying that the excluded person may work in an unrestricted capacity in a food facility, including a facility that serves a highly susceptible population, because the person is free of the infectious agent of concern. This documentation shall be from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant.

(b) *Disease or medical condition with respect to which restrictions are imposed under § 46.113(a)(2)(i).* A person in charge may remove a restriction imposed under authority of § 46.113(a)(2)(i) (relating to duty to impose exclusions and restrictions) as a result of a disease or medical condition if any of the following are accurate:

(1) The person is free of the symptoms specified in § 46.112(3) and (4), and no foodborne illness occurs that may have been caused by the restricted person.

(2) The person is suspected of causing foodborne illness, but both of the following are true:

(i) The person is free of the symptoms specified in § 46.112(3) and (4).

(ii) The person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant, stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness.

(3) The restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome or ulcerative colitis.

(c) *Disease or medical condition with respect to which restrictions are imposed under authority of § 46.113(a)(2)(ii).* A person in charge may remove a restriction imposed as a result of a disease or medical condition imposed under authority of § 46.113(a)(2)(ii) if the restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant that indicates the restricted person's stools are free from *Salmonella typhi*, *Shigella* spp. or *Escherichia coli* O157:H7—whichever is the infectious agent of concern.

(d) *Disease or medical condition with respect to which exclusions or restrictions are imposed under authority of § 46.113(b).* A person in charge may remove an exclusion or restriction imposed as a result of a disease or medical condition described in § 46.113(b) if the excluded or restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician's assistant that specifies that the person is free of hepatitis A virus.

(e) *Disease or medical condition with respect to which exclusions are imposed under authority of § 46.113(c).* A person in charge may remove an exclusion imposed with respect to a food facility serving a highly susceptible population as a result of a disease or medical condition described in § 46.113(c) if the restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician's assistant that states, as applicable, that the person is:

- (1) Free of the infectious agent of concern.
- (2) Free of jaundice, if hepatitis A virus is the infectious agent of concern.
- (3) Experiencing symptoms resulting from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome or ulcerative colitis.

#### PERSONAL CLEANLINESS

##### § 46.131. Cleanliness of hands and exposed portions of arms.

(a) *Responsibility of food employees.* Food employees shall keep their hands and exposed portions of their arms clean.

(b) *Cleaning procedure.*

(1) *General procedure.* Except as specified in paragraph (2), food employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified in § 46.822(b) (relating to design, construction and installation of

plumbing systems) by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

(2) *Alternative procedure.* An automatic handwashing facility may be used by food employees to clean their hands if the facility is approved and capable of removing the types of soils encountered in the food operations involved.

##### § 46.132. Duty of food employees to wash.

Food employees shall clean their hands and exposed portions of their arms as specified in § 46.131 (relating to cleanliness of hands and exposed portions of arms) as follows:

(1) Immediately before engaging in food preparation activities such as working with exposed food, working with clean equipment and utensils, and working with unwrapped single-service and single-use articles.

(2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.

(3) After using the toilet room.

(4) After caring for or handling service animals or aquatic animals as specified in § 46.153(b) (relating to animals).

(5) Except as specified in § 46.151(a)(2) (relating to food contamination prevention), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.

(6) After handling soiled equipment or utensils.

(7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks.

(8) When switching between working with raw food and working with ready-to-eat food.

(9) After engaging in other activities that contaminate the hands.

##### § 46.133. Required washing locations.

Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility. Food employees may not clean their hands in a sink used for food preparation, a utility sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

##### § 46.134. Hand sanitizers.

(a) *Requirements.* A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:

(1) Comply with one or more of the following:

(i) Be an approved drug that is listed in the most current FDA publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness.

(ii) Have active antimicrobial ingredients that are listed in one or more of the following:

(A) The most current FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash.

(B) The most current USDA *List of Proprietary Substances and Nonfood Compounds*, Miscellaneous Publication No.1419 or its successor.

(2) Comply with one or more of the following:

(i) Have components that are exempted from the requirement of being listed in Federal food additive regulations as specified in 21 CFR 170.39 (relating to threshold of regulation for substances used in food-contact articles) or its successor.

(ii) Comply with, and be listed in, one or more of the following:

(A) 21 CFR 178 (relating to indirect food additives: adjuvants, production aids, and sanitizers) as regulated for use as a food additive with conditions of safe use).

(B) 21 CFR 182 (relating to substances generally recognized as safe), 21 CFR 184 (relating to direct food substances affirmed as generally recognized as safe) or 21 CFR 186 (relating to indirect food substances affirmed as generally recognized as safe for use in contact with food).

(iii) Be limited to situations when use is followed by a thorough hand rinsing in clean water before hand contact with food, or when hand contact with food is avoided by the use of gloves, or where there is no direct contact with food by bare hands.

(3) Be applied only to hands that are cleaned as specified in § 46.131(b) (relating to cleanliness of hands and exposed portions of arms).

(b) *Chemical hand sanitizing solution.* A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L (ppm) chlorine.

#### § 46.135. Cleanliness of fingernails.

(a) *General.* Food employees shall keep their fingernails trimmed, filed and maintained so the edges and surfaces are cleanable and not rough.

(b) *Fingernail polish and artificial fingernails.* Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

#### § 46.136. Jewelry.

Food employees may not wear jewelry on their arms and hands while preparing food. This prohibition does not apply to a plain ring such as a wedding band.

#### § 46.137. Cleanliness of outer clothing.

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, single-service articles and single-use articles.

### HYGIENIC PRACTICES

#### § 46.151. Food contamination prevention.

(a) *Eating, drinking or using tobacco.*

(1) *General prohibition.* An employee may not eat, drink or use any form of tobacco unless the use occurs in designated areas where the contamination of exposed food; clean equipment, utensils and linens; unwrapped single-service and single-use articles; or other items needing protection can not result. The sole exception to this prohibition is in paragraph (2).

(2) *Exception for closed beverage containers.* A food employee may drink from a closed beverage container if the container is handled to prevent contamination of the following:

(i) The employee's hands.

(ii) The container.

(iii) Exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

(b) *Discharges from the eyes, nose and mouth.* Food employees experiencing persistent sneezing, coughing or a runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food; clean equipment, utensils and linens; or unwrapped single-service or single-use articles.

#### § 46.152. Hair restraints.

(a) *General requirement.* Employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints and clothing that covers body hair, that are effectively designed and worn to keep their hair from contacting exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

(b) *Exception.* This section does not apply to food employees who present a minimal risk of contaminating exposed food, clean equipment, utensils, linens and unwrapped single-service and single-use articles. These food employees may include employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses and wait staff.

#### § 46.153. Animals.

(a) *Circumstances under which handling of animals is prohibited.* Food employees may not care for or handle animals that may be present such as patrol dogs, service animals or pets that are allowed as specified in § 46.982 (relating to limitations on animals).

(b) *Circumstances under which handling of animals is permissible.* Employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified in §§ 46.131(b) and 46.132 (relating to cleanliness of hands and exposed portions of arms; and duty of food employees to wash).

### Subchapter C. FOOD

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**CHARACTERISTICS**

**§ 46.201. Food shall be safe, unadulterated and honestly presented.**

Food shall be safe, unadulterated and—in accordance with § 46.421(b) (relating to accurate representation)—honestly presented.

**FOOD SOURCES**

**§ 46.211. Food sources.**

Food shall be obtained from sources that comply with the act, the Public Eating and Drinking Place Law and this chapter.

**§ 46.212. Food prepared in a private home.**

Food prepared in a private home, not approved by the Department, may not be used or offered for human consumption in a food facility.

**§ 46.213. Packaged food.**

Packaged food shall be labeled as specified in the Food Act, this chapter, 21 CFR 101 (relating to food labeling), 9 CFR 317 (relating to labeling, marking devices, and containers) and 9 CFR 381, Subpart N (relating to labeling and containers).

**§ 46.214. Whole-muscle, intact beef.**

Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in § 46.361(c) (relating to cooking raw animal foods) shall be one of the following:

(1) Obtained from a food establishment that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef.

(2) Individually cut in a food facility, and all of the following:

(i) Cut from whole-muscle intact beef that is labeled by a food establishment to indicate that the beef meets the definition of "whole-muscle intact beef."

(ii) Prepared so they remain intact.

(iii) If packaged for undercooking in a food facility, labeled to indicate that they meet the definition of "whole-muscle, intact beef."

**§ 46.215. Packaged meat and poultry that is not a ready-to-eat food.**

Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in the act, including 9 CFR 317.2(I) (relating to labels: definitions; required features) and 9 CFR 381.125(b) (relating to special handling label requirements).

**§ 46.216. Food in a hermetically sealed container.**

Food in a hermetically sealed container shall be obtained from a food establishment that is regulated by the Department or other food regulatory agency that has jurisdiction over the plant.

**§ 46.217. Milk and milk products.**

Milk and milk products shall be obtained from sources that comply with the Milk Sanitation Law.

**§ 46.218. Fish.**

(a) *Sources.* Fish that are received for sale or service shall be one of the following:

(1) Commercially and legally caught or harvested.

(2) Approved for sale or service.

(b) *Nonmolluscan fish for raw consumption.* Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in § 46.361(d)(1) (relating to cooking of raw animal foods) may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified in

§ 46.364(a) and (b) (relating to parasite destruction in fish other than molluscan shellfish by freezing); or frozen on the premises as specified in § 46.364(a) and (b) and records are retained as specified in § 46.364(c).

**§ 46.219. Molluscan shellfish.**

(a) *Sources.* Molluscan shellfish shall be obtained from sources according to the act and this chapter, and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(b) *Molluscan shellfish received or intended for sale in interstate commerce.* Molluscan shellfish received or intended for sale in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(c) *Molluscan shellfish that are recreationally caught.* Molluscan shellfish that are recreationally caught may not be received for sale or service.

**§ 46.220. Wild mushrooms.**

(a) *General source requirement.* Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert. The exceptions to this requirement are in subsection (b).

(b) *Exceptions.* Subsection (a) does not apply to the following:

(1) Cultivated wild mushroom species that are grown, harvested and processed in an operation that is regulated by the Department or other food regulatory agency that has jurisdiction over the operation.

(2) Wild mushroom species if they are in packaged form and are the product of a food establishment that is regulated by the Department or other food regulatory agency that has jurisdiction over the food establishment.

**§ 46.221. Game animals.**

(a) *Game animals commercially raised for food.* If game animals commercially raised for food are received for sale or service they shall be at least one of the following:

(1) Raised, slaughtered and processed under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo or bison) that are "inspected and approved" in accordance with the Voluntary Exotic Animal Program established in 9 CFR 352 (relating to exotic animals; voluntary inspection) or rabbits that are "inspected and certified" in accordance with the Rabbit Inspection Program established in 9 CFR 354 (relating to voluntary inspection of rabbits and edible products thereof).

(2) Under a routine inspection program conducted by the Department or other regulatory agency that has animal health jurisdiction, and raised, slaughtered and processed according to both of the following:

(i) Laws governing meat and poultry, as determined by the Department or other regulatory agency that has animal health jurisdiction.

(ii) Requirements which are developed by the Department or other regulatory agency that has animal health jurisdiction, with consideration of factors such as the need for antemortem and postmortem examination by a licensed veterinarian or veterinarian's designee.

(b) *Wild game animals that are live-caught.* Wild game animals that are live-caught may be received for sale or service if the following apply:

(1) The animal is under a routine inspection program conducted by the Department or other regulatory agency that has animal health jurisdiction.

(2) The animal is slaughtered and processed according to the following:

(i) Laws governing meat and poultry, as determined by the Department or other regulatory agency that has animal health jurisdiction.

(ii) Requirements which are developed by the Department or other regulatory agency that has animal health jurisdiction, with consideration of factors such as the need for antemortem and postmortem examination by a licensed veterinarian or veterinarian's designee.

(c) *Field-dressed wild game animals.* Field-dressed wild game animals may be received for sale or service under a routine inspection program that ensures that the following occur:

(1) The animals receive a postmortem examination by a licensed veterinarian or veterinarian's designee.

(2) The animals are field-dressed and transported according to requirements specified by the Department or other regulatory agency that has animal health jurisdiction.

(3) The animals are processed according to laws governing meat and poultry as determined by the Department or other regulatory agency that has animal health jurisdiction.

(d) *Endangered or threatened wildlife.* A game animal may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 (relating to endangered and threatened wildlife and plants).

**§ 46.222. Ice.**

Ice for use as a food or a cooling medium shall be made from drinking water.

**SPECIFICATIONS FOR RECEIVING, ORIGINAL CONTAINERS AND RECORDS**

**§ 46.241. Receiving temperature of food.**

(a) *Refrigerated potentially hazardous food.* Except as specified in §§ 46.243(b) and 46.244(b) (relating to receiving shell eggs; and receiving eggs and milk products), refrigerated potentially hazardous food shall be at an internal temperature of 5°C (41°F) or below when received.

(b) *Cooked potentially hazardous food.* Potentially hazardous food that is cooked to a temperature and for a time specified in §§ 46.361—46.363 (relating to cooking raw animal foods; microwave cooking; and plant food cooking for hot holding) and received hot shall be at an internal temperature of 60°C (140°F) or above.

(c) *Frozen food.* A food that is labeled frozen and shipped frozen by a food establishment shall be received frozen.

(d) *Visible evidence of improper temperature.* Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

**§ 46.242. Additives.**

Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170—180 (relating to food additives), generally recognized as



safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181—186 (relating to food substances generally recognized as safe), substances that exceed amounts specified in 9 CFR 318.7 (Reserved), or pesticide residues that exceed provisions specified in 40 CFR 185 (Reserved).

**§ 46.243. Receiving shell eggs.**

(a) *General.* Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for PA Consumer Grade B as specified in Chapter 87 (relating to standards for grading and marketing eggs).

(b) *Temperature.* Shell eggs shall be received by a food facility in refrigerated equipment that maintains an ambient temperature of 7°C (45°F) or less, or as otherwise specified in the Egg Refrigeration Law (31 P. S. §§ 300.1—300.9).

(c) *Labeling.* Shell eggs received by a food facility shall be labeled as specified in Chapter 87 and include safe handling instructions as specified in 21 CFR 101.17(h) (relating to food labeling).

**§ 46.244. Receiving eggs and milk products.**

(a) *Liquid, frozen and dry eggs and egg products.* Liquid, frozen and dry eggs and egg products shall be obtained pasteurized.

(b) *Milk and milk products.* Milk and milk products shall be obtained pasteurized and received at a temperature of 7°C (45°F) or less, or as otherwise specified in the Milk Sanitation Law

(c) *Frozen milk products.* Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in the Milk Sanitation Law.

(d) *Cheese.* Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified and published in the CFR. An example of acceptable alternative standards for curing certain cheese varieties is in 21 CFR 133 (relating to cheeses and related cheese products).

**§ 46.245. Package integrity of food upon receipt.**

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

**§ 46.246. Receiving shucked shellfish: packaging and identification.**

(a) *Label requirement.* Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the following:

(1) The name, address and certification number of the shucker-packer or repacker of the molluscan shellfish.

(2) For packages with a capacity of less than 1.87 L (1/2 gallon): the “sell by” date.

(3) For packages with a capacity of 1.87 L (1/2 gallon) or more: the date shucked.

(b) *No label or inadequate label.* A package of raw shucked shellfish that does not bear a label or which bears a label which does not contain all the information as specified in subsection (a) shall be subject to a detention, in accordance with section 6 of the act (31 P. S. § 20.6).

**§ 46.247. Shellstock identification.**

(a) *Harvester's and dealer's source identification tags or labels.* Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed

by the harvester and each dealer that depurates, ships or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(1) *Contents of harvester's tag or label.* A harvester's tag or label shall list the following information, in the following order:

(i) The harvester's identification number as described in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that is assigned by the Department or other shellfish control authority having jurisdiction.

(ii) The date of harvesting.

(iii) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the Department or other shellfish control authority having jurisdiction, and including the abbreviation of the name of the state or country in which the shellfish are harvested.

(iv) The type and quantity of shellfish.

(v) The following statement in bold, capitalized type:

This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days.

(2) *Contents of dealer's tag or label.* A dealer's tag or label shall list the following information, in the following order:

(i) The dealer's name and address, and the certification number assigned by the Department or other shellfish control authority having jurisdiction.

(ii) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested.

(iii) The same information as specified for a harvester's tag under paragraph (1)(ii)—(iv).

(iv) The following statement in bold, capitalized type:

This tag is required to be attached until container is empty and thereafter kept on file for 90 days.

(b) *Missing or incomplete tag or label.* A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified in subsection (a) shall be subject to a detention, in accordance with section 6 of the act (31 P. S. § 20.6).

(c) *Harvester's tag or label may include dealer information.* If a place is provided on the harvester's tag or label for a dealer's name, address and certification number, the dealer's information shall be listed first, notwithstanding subsection (a)(1).

(d) *Exception to requirement of separate dealer's tag or label.* If the harvester's tag or label is designed to accommodate each dealer's identification as specified in subsection (a)(2)(i) and (ii), individual dealer tags or labels need not be provided.

**§ 46.248. Shellstock: condition upon receipt.**

Shellstock shall be reasonably free of mud, dead shellfish and shellfish with broken shells when received by a food facility. Dead shellfish or shellstock with badly broken shells shall be discarded.

**§ 46.249. Molluscan shellfish: original container.**

(a) *General requirement.* Molluscan shellfish may not be removed from the container in which they are received

other than immediately before sale or preparation for service. The two exceptions to this requirement are set forth in subsections (b) and (c).

(b) *Exception: shellstock.* Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if both of the following occur:

(1) The source of the shellstock on display is identified as specified in § 46.247 (relating to shellstock identification) and recorded as specified in § 46.250 (relating to shellstock: maintaining identification)

(2) The shellstock are protected from contamination.

(c) *Exception: shucked shellfish.* Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if both of the following apply:

(1) The labeling information for the shellfish on display as specified in § 46.246 (relating to receiving shucked shellfish: packaging and identification) is retained and correlated to the date when, or dates during which, the shellfish are sold or served.

(2) The shellfish are protected from contamination.

**§ 46.250. Shellstock: maintaining identification.**

(a) *General requirement.* Shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty. The exception to this requirement is set forth in subsection (b)(2).

(b) *Records of identification.* The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for 90-calendar days from the date the container is emptied by the following methods:

(1) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served.

(2) Where shellstock are removed from their tagged or labeled container, using either of the following methods:

(i) Using only one tagged or labeled container at a time.

(ii) Using more than one tagged or labeled container at a time and obtaining a variance from the Department as specified in § 46.1103(a) (relating to variances) based on a HACCP plan that:

(A) Is submitted by the permit holder and approved as specified in § 46.1103(b).

(B) Preserves source identification by using a recordkeeping system as specified in paragraph (1).

(C) Ensures that shellstock from one tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.

**PREVENTING CONTAMINATION BY EMPLOYEES**

**§ 46.261. Preventing contamination from food employees' hands.**

(a) *Hand washing required.* Food employees shall wash their hands as specified in § 46.131 (relating to cleanliness of hands and exposed portions of arms).

(b) *Hand contact with ready-to-eat food.* Except when washing fruits and vegetables as specified in § 46.285

(relating to washing raw fruits and vegetables) or when otherwise approved, food employees may not contact exposed, ready-to-eat food with their bare hands, unless hands have been washed as specified in § 46.131(b) and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment whenever possible.

(c) *Hand contact with food that is not ready-to-eat food.* Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

**§ 46.262. Preventing contamination when tasting.**

A food employee may not use a utensil more than once to taste food that is to be sold or served.

**PREVENTING FOOD AND INGREDIENT CONTAMINATION**

**§ 46.281. Preventing contamination of packaged and unpackaged food: separation, packaging and segregation.**

(a) *Required protective measures.* Food shall be protected from cross contamination by the following procedures, as applicable:

(1) Separating raw animal foods during storage, preparation, holding and display from:

(i) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as vegetables.

(ii) Cooked ready-to-eat food.

(2) Separating types of raw animal foods (such as beef, fish, lamb, pork and poultry) from each other during storage, preparation, holding and display, except when these raw animal foods are combined as ingredients, by doing the following:

(i) Using separate equipment for each type or arranging each type of food in equipment so that cross contamination of one type with another is prevented.

(ii) Preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified in § 46.712(a) (relating to frequency of cleaning equipment food-contact surfaces and utensils) and sanitizing as specified in § 46.731(c) (relating to sanitization: requirement, frequency and methods).

(4) Storing the food in packages, covered containers or wrappings. The exception to this requirement is in subsection (b).

(5) Cleaning hermetically sealed containers of food of visible soil before opening.

(6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(7) Storing damaged, spoiled or recalled food being held in the food facility as specified in § 46.964 (relating to distressed merchandise: segregated).

(8) Separating fruits and vegetables from ready-to-eat food before the fruits and vegetables are washed as specified in § 46.285 (relating to washing raw fruits and vegetables).

(b) *Exception to the requirement of storing foods in packages, covered containers or wrappings.* Subsection (a)(4) does not apply to the following:

(1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption.

(2) Primal cuts, quarters or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.

(3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks.

(4) Food being cooled as specified in § 46.384(d)(2) (relating to potentially hazardous food: cooling).

(5) Shellstock.

**§ 46.282. Identification of content on food storage containers.**

Working containers holding food or food ingredients (such as cooking oils, flour, herbs, potato flakes, salt, spices and sugar) that are removed from their original packages for use in the food facility shall be identified with the common name of the food they contain. However, containers holding food that can be readily and unmistakably recognized (such as dry pasta) need not be identified.

**§ 46.283. Substituting pasteurized eggs for raw shell eggs in certain recipes.**

Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods such as Caesar salad, hollandaise or béarnaise sauce, mayonnaise, eggnog, ice cream and egg-fortified beverages that are not either of the following:

(1) Cooked as specified in § 46.361(a)(1) or (2) (relating to cooking raw animal foods).

(2) Included in § 46.361(d).

**§ 46.284. Protection from unapproved additives.**

(a) *Unapproved additives or unsafe levels of approved additives.* Food or food ingredients shall be protected from contamination that may result from the addition of unsafe or unapproved food or color additives, and from unsafe or unapproved levels of approved food and color additives, as described in § 46.242 (relating to additives).

(b) *Sulfiting agents.* A food employee may not do the following:

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1, as that term is defined in 21 CFR 101.54(c) (relating to nutrient content claims for "good source," "high," "more," and "high potency").

(2) Serve or sell a food specified in paragraph (1), other than grapes, that is treated with sulfiting agents before receipt by the food facility.

**§ 46.285. Washing raw fruits and vegetables.**

(a) *General.* Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.

(b) *Exception.* Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(c) *Chemical washing.* Fruits and vegetables may be washed by using chemicals as specified in § 46.1024(b) (relating to chemicals: use criteria).

**§ 46.286. Preventing contamination from ice used as a coolant.**

(a) *Ice used as exterior coolant is prohibited as ingredient.* Ice may not be used as food after it has been used as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment.

(b) *Storage or display of food in contact with water or ice.*

(1) *Packaged food.* Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping or container or its positioning in the ice or water.

(2) *General prohibition.* Unpackaged foods other than those described in paragraphs (3) and (4) may not be stored in direct contact with undrained ice.

(3) *Certain raw fruits and vegetables.* Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

(4) *Raw chicken and raw fish.* Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service or sale.

**PREVENTING CONTAMINATION FROM EQUIPMENT, UTENSILS AND LINENS**

**§ 46.301. Preventing contamination from food contact with equipment and utensils.**

Food shall only contact surfaces of equipment and utensils that are cleaned as specified in §§ 46.711—46.719 (relating to cleaning of equipment) and sanitized as specified in § 46.731 (relating to sanitization: requirement, frequency and methods).

**§ 46.302. In-use utensils and between-use storage.**

(a) *General.* During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored in the food with their handles above the top of the food and the container, unless the food is non-potentially hazardous and within containers or equipment that can be closed, such as bins of sugar, flour or cinnamon—in which case the food preparation and dispensing utensils shall be stored with their handles above the top of the food within the containers.

(b) *Storage on cleaned and sanitized tables or equipment.* During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the table or equipment are cleaned and sanitized at a frequency specified in §§ 46.712 and 46.731 (relating to frequency of cleaning equipment food-contact surfaces and utensils; and sanitization: requirement, frequency and methods).

(c) *Storage in running water.* During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes.

(d) *Storage in clean, protected locations.* During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous.

(e) *Storage in a container of water.* During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in a container of water if the water is maintained at a temperature of at least 60°C (140°F) and the container is cleaned at frequency specified in § 46.712(d)(7) (relating to frequency of cleaning equipment food-contact surfaces and utensils)

**§ 46.303. Linens and napkins: use limitations.**

Linens and napkins may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

**§ 46.304. Wiping cloths: use limitations.**

(a) *Cloths used for wiping food spills.* Cloths that are used for wiping food spills shall be used for no other purpose.

(b) *Wet and dry wiping cloths.* Cloths used for wiping food spills shall be one of the following.

(1) Dry and used for wiping food spills from tableware and carry-out containers.

(2) Wet and cleaned as specified in § 46.751(b)(4) (relating to requirement and frequency of laundering) stored in a chemical sanitizer at a concentration specified in § 46.674(a) (relating to warewashing equipment: mechanical or manual) and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.

(c) *Wiping cloths used with raw animal foods.* Dry or wet cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.

(d) *General cleanliness.* Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

**§ 46.305. Gloves: use limitations.**

(a) *Single-use gloves.* Single-use gloves shall be used for only one task (such as working with ready-to-eat food or with raw animal food), used for no other purpose and discarded when damaged or soiled, or when interruptions occur in the operation.

(b) *Slash-resistant gloves: general.* Except as specified in subsection (c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified in §§ 46.361—46.365 (relating to destruction of organisms of public health concern), such as frozen food or a primal cut of meat.

(c) *Slash-resistant gloves: exception.* Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove or a single-use glove.

(d) *Cloth gloves.* Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in §§ 46.361—46.365, such as frozen food or a primal cut of meat.

**§ 46.306. Using clean tableware for second portions and refills.**

(a) *General.* A food employee may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills. However, a food employee may refill a consumer's drinking cup or con-

tainer without contact between the pouring utensil and the lip-contact area of the drinking cup or container.

(b) *Use of soiled tableware by self-service consumers to obtain food from display or serving equipment prohibited.* Self-service consumers may not be allowed to use soiled tableware (including single-service articles) to obtain additional food from the display and serving equipment. The sole exception to this prohibition is described in subsection (c).

(c) *Use of soiled drinking cups by self-service consumers to obtain drinks.* Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified in § 46.583(1), (2) and (4) (relating to dispensing equipment: protection of equipment and food).

**§ 46.307. Refilling returnables.**

(a) *Refilling with potentially hazardous food prohibited.* A take-home food container returned to a food facility may not be refilled at a food facility with a potentially hazardous food.

(b) *Refilling with a cleaned container.* Except as specified in subsection (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified in § 46.719(b) (relating to washing returnable containers for refilling).

(c) *Refilling certain containers by a contamination-free process.* Personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in § 46.583(1), (2) and (3) (relating to dispensing equipment: protection of equipment and food).

**PREVENTING CONTAMINATION FROM THE PREMISES**

**§ 46.321. Food storage.**

(a) *General storage requirements.* Except as specified in subsections (b) and (c), food shall be protected from contamination by storing as follows:

(1) In a clean, dry location.

(2) Where it is not exposed to splash, dust or other contamination.

(3) At least 15 cm (6 inches) above the floor.

(b) *Exception for food stored on case lot handling equipment.* Food in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling equipment as specified in § 46.595 (relating to case lot handling equipment: moveability).

(c) *Exception for particular food containers.* Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(d) *Foods storage: prohibited areas.* Food may not be stored in any of the following locations:

(1) A locker room.

(2) A toilet room.

(3) A dressing room.

(4) A garbage room.

(5) A mechanical room.

(6) Under a sewer line that is not shielded to intercept potential drips.

(7) Under a leaking water line (including a leaking automatic fire sprinkler head), or under a line on which water has condensed.

- (8) Under an open stairwell.
- (9) Under any source of contamination.

**§ 46.322. Vended potentially hazardous food: original container.**

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food facility at which it was prepared.

**§ 46.323. Food preparation.**

During preparation, unpackaged food shall be protected from environmental sources of contamination.

**PREVENTING CONTAMINATION BY CONSUMERS**

**§ 46.341. Food display.**

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line or salad bar food guards; display cases; or other effective means.

**§ 46.342. Protection of condiments.**

(a) *General.* Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

(b) *Condiments at a vending machine location.* Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food facility that provides food to the vending machine location, or a properly equipped food facility that is located on the site of the vending machine location.

**§ 46.343. Consumer self-service operations.**

(a) *Raw, unpackaged animal foods.* Raw, unpackaged animal food (such as beef, lamb, pork, poultry and fish) may not be offered for consumer self-service. This subsection does not apply to consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; or ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.

(b) *Ready-to-eat foods.* Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

(c) *Monitoring by food employees.* Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

**§ 46.344. Returned food and reservice of food.**

(a) *General prohibition of reuse of returned or unused food.* Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) *Exception for certain foods and packages.* Except as specified in § 46.461(c) (relating to additional safeguards for a food facility that serves a highly susceptible popula-

tion), a container of food that is not potentially hazardous may be transferred from one consumer to another if either of the following occurs:

(1) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce or wine.

(2) The food, such as crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.

**§ 46.345. Miscellaneous sources of contamination.**

Food shall be protected from contamination that may result from a factor or source not specified in §§ 46.261, 46.262, 46.281—46.286, 46.301—46.307, 46.321—46.323 and 46.341—46.344.

**DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN**

**§ 46.361. Cooking raw animal foods.**

(a) *General cooking requirement.* Except as specified in subsections (b)—(d), raw animal foods (such as eggs, fish, meat, poultry and foods containing these raw animal foods) shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods, based on the food that is being cooked:

(1) 63°C (145°F) or above for 15 seconds for either of the following:

(i) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.

(ii) Except as specified in paragraphs (2) and (3), and subsection (b), fish, meat and pork, including game animals commercially raised for food as specified in § 46.221(a) (relating to game animals).

(2) 68°C (155°F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified in § 46.221(a); and raw eggs that are not broken and prepared in response to a consumer's order and for immediate service:

<i>Minimum Temperature</i>	<i>Minimum Time</i>
63°C (145°F)	3 Minutes
66°C (150°F)	1 Minute
70°C (158°F)	Less than 1 second (instantaneous)

(3) 74°C (165°F) or above for 15 seconds for poultry, wild game animals as specified in § 46.221(b) and (c), stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites or stuffing containing fish, meat, poultry or ratites.

(b) *Certain roasts.* Whole beef roasts, corned beef roasts, pork roasts and cured pork roasts such as ham, shall be cooked as follows:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

<i>Oven Type</i>	<i>Oven Temperature for Roast Weighing less than 4.5 kg (10 lbs.)</i>	<i>Oven Temperature for Roast Weighing 4.5 kg (10 lbs.) or more</i>
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity Cooking	121°C (350°F) or more	121°C (250°F) or more

(2) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time (including postoven heat rise) that corresponds to that temperature:

<i>Minimum Temperature</i>	<i>Minimum Time</i>
54°C (130°F)	121 Minutes
56°C (132°F)	77 Minutes
57°C (134°F)	47 Minutes
58°C (136°F)	32 Minutes
59°C (138°F)	19 Minutes
60°C (140°F)	12 Minutes
61°C (142°F)	8 Minutes
62°C (144°F)	5 Minutes
63°C (145°F)	3 Minutes

(c) *Raw or undercooked whole-muscle, intact beef steak.* A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if the following apply:

- (1) The food facility serves a population that is not a highly susceptible population.
- (2) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef as specified in § 46.214 (relating to whole-muscle, intact beef).
- (3) The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

(d) *Other raw animal foods.* A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or undercooked meat other than whole-muscle, intact beef steaks as specified in subsection (c), may be served or offered for sale in a ready-to-eat form if either of the following occurs:

- (1) The food facility serves a population that is not a highly susceptible population, and the consumer is informed as specified in § 46.423 (relating to consumer advisory required with respect to animal foods that are raw, undercooked or not otherwise processed to eliminate pathogens) that to ensure its safety, the food should be cooked as specified in subsections (a) or (b).
- (2) The Department grants a variance from subsection (a) or (b) as specified in § 46.1103(a) (relating to variances), based on a HACCP plan that is all of the following:
  - (i) Submitted by the license holder and approved as specified in § 46.1103(b) (relating to variances).
  - (ii) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food.
  - (iii) Verifies that equipment and procedures for food preparation and training of food employees at the food facility meet the conditions of the variance.

**§ 46.362. Microwave cooking.**

Raw animal foods cooked in a microwave oven meet all of the following conditions:

- (1) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.
- (2) Covered to retain surface moisture.
- (3) Heated to a temperature of at least 74°C (165°F) in all parts of the food.
- (4) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

**§ 46.363. Plant food cooking for hot holding.**

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 60°C (140°F).

**§ 46.364. Parasite destruction in fish other than molluscan shellfish by freezing.**

(a) *General temperature requirement.* Except as specified in subsection (b), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of one of the following:

- (1) -20°C (-4°F) or below for 168 hours (7 days) in a freezer.
- (2) -35°C (-31°F) or below for 15 hours in a blast freezer.

(b) *Exception for certain tuna species.* If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the fish may be served or sold in a raw, raw-marinated or partially cooked ready-to-eat form without freezing as specified in subsection (a).

(c) *Records: creation and retention.*

- (1) Except as specified in subsection (b) and paragraph (2), if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food facility for 90-calendar days beyond the time of service or sale of the fish.
- (2) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified in subsection (a) may substitute for the records specified in paragraph (1).

**§ 46.365. Reheating food.**

(a) *Preparation for immediate service.* Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(b) *Reheating for hot holding.*

- (1) Potentially hazardous food that is cooked, cooled and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74°C (165°F) for 15 seconds. Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified in § 46.385(a)(2) or (3) (relating to

potentially hazardous food: hot and cold holding) and 74°C (165°F) may not exceed 2 hours. Exceptions to these requirements are specified in paragraphs (2), (3) and (4).

(2) Except as specified in paragraph (3), reheating of potentially hazardous food in a microwave oven for hot holding shall be performed in accordance with § 46.362 (relating to microwave cooking).

(3) Ready-to-eat food taken from a commercially processed, hermetically sealed container or from an intact package from a food establishment that is inspected by the Department or other food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 60°C (140°F) for hot holding.

(4) Remaining unsliced portions of roasts of beef that are cooked as specified in § 46.361(b) (relating to cooking raw animal foods) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in § 46.361(b).

#### TEMPERATURE AND TIME CONTROL FOR LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

##### § 46.381. Stored frozen food.

Stored frozen foods shall be maintained frozen.

##### § 46.382. Potentially hazardous food: slacking.

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held at one of the following:

(1) Under refrigeration that maintains the food temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified in § 46.385(a)(3) (relating to potentially hazardous food: hot and cold holding).

(2) At any temperature if the food remains frozen.

##### § 46.383. Potentially hazardous food: thawing.

Except as specified in paragraph (4), potentially hazardous food shall be thawed by one of the procedures that follow:

(1) Under refrigeration that maintains the food temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified in § 46.385(a)(3) (relating to potentially hazardous food: hot and cold holding).

(2) Completely submerged under running water at a water temperature of 21°C (70°F) or below; with sufficient water velocity to agitate and float off loose particles in an overflow, for one of the following:

(i) A period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F), or 7°C (45°F) as specified in § 46.385(a)(3).

(ii) A period of time that does not allow thawed portions of a raw animal food requiring cooking as specified in § 46.361(a) or (b) (relating to cooking raw animal foods) to be above 5°C (41°F), or 7°C (45°F) as specified in § 46.385(a)(3) for more than 4 hours including both of the following:

(A) The time the food is exposed to the running water and the time needed for preparation for cooking.

(B) The time it takes under refrigeration to lower the food temperature to 5°C (41°F), or 7°C (45°F) as specified in § 46.385(a)(3).

(3) As part of a cooking process if the food that is frozen is one of the following:

(i) Cooked as specified in § 46.361(a) or (b) or § 46.362 (relating to microwave cooking).

(ii) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.

(4) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

##### § 46.384. Potentially hazardous food: cooling.

(a) *Cooling cooked potentially hazardous food.* Cooked potentially hazardous food shall be cooled as follows:

(1) Within 2 hours, from 60°C (140°F) to 21°C (70°F).

(2) Within 4 hours, from 21°C (70°F) to 5°C (41°F) or less, or to 7°C (45°F) as specified in § 46.385(a)(3) (relating to potentially hazardous food: hot and cold holding).

(b) *Cooling potentially hazardous food prepared from ingredients at ambient temperature.* Potentially hazardous food shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) as specified in § 46.385(a)(3) if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) *Cooling methods.* Cooling shall be accomplished in accordance with the time and temperature criteria specified in subsection (a) by using one or more of the following methods, based on the type of food being cooled:

(1) Placing the food in shallow pans.

(2) Separating the food into smaller or thinner portions.

(3) Using rapid cooling equipment.

(4) Stirring the food in a container placed in an ice water bath.

(5) Using containers that facilitate heat transfer.

(6) Adding ice as an ingredient.

(7) Other effective methods.

(d) *Food containers in which food is cooled.* When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be both of the following:

(1) Arranged in the equipment to provide maximum heat transfer through the container walls.

(2) Loosely covered, or uncovered if protected from overhead contamination as specified in § 46.321(a)(2) (relating to food storage), during the cooling period to facilitate heat transfer from the surface of the food.

##### § 46.385. Potentially hazardous food: hot and cold holding.

(a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified in subsection (b), potentially hazardous food shall be maintained at one of the following temperatures, as applicable:

(1) At 60°C (140°F) or above, except that roasts cooked to a temperature and for a time specified in § 46.361(b) (relating to cooking raw animal foods) or reheated as specified in § 46.365(b)(5) (relating to reheating food) may be held at a temperature of 54°C (130°F).

(2) At 5°C (41°F) or less, except as specified in paragraphs (3)—(5), or § 46.584(b) (relating to vending machines).

(3) At 7°C (45°F) or between 7°C (45°F) and 5°C (41°F) in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if either of the following is accurate:

(i) The equipment is in place and in use in the food facility; and by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years from the effective date of this proposal.), the equipment is upgraded or replaced so that it shall maintain food at a temperature of 5°C (41°F) or less.

(ii) A food facility operator can demonstrate to the Department that a hardship would result from meeting the requirements of this paragraph and a variance is applied for and granted by the Department. The variance will not relieve the applicant from meeting the food safety objectives of this chapter.

(4) At 7°C (45°F) or less for shell eggs, or as otherwise specified in the Egg Refrigeration Law (31 P. S. §§ 300.1—300.9).

(5) At 7°C (45°F) or less, or as otherwise specified in the Milk Sanitation Law.

(b) *Time as a public health control.*

(1) Except as specified in paragraph (2), if time—rather than temperature—is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, all of the following shall be done:

(i) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control.

(ii) The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control.

(iii) The food in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded.

(iv) Written procedures shall be maintained in the food facility and made available to the Department upon request, that ensure compliance with this subsection and § 46.384(a)—(b) (relating to potentially hazardous food: cooling) for food that is prepared, cooked and refrigerated before time is used as a public health control.

(2) In a food facility that serves a highly susceptible population, time only—rather than temperature—may not be used as the public health control for raw eggs.

### SPECIALIZED PROCESSING METHODS

#### § 46.401. Variance requirement for specialized processing methods.

A food facility shall obtain a variance from the Department as specified in § 46.1103(a) and (b) (relating to variances) before using any specialized processing method not currently recognized by the Department as a safe method for processing food.

#### § 46.402. Reduced oxygen packaging.

(a) *General requirement.* A food facility that packages food using a reduced oxygen packaging method—where *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form of the food—shall

ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum*. This requirement does not apply to a food facility that has obtained a variance under § 46.401 (relating to variance requirement for specialized processing methods).

(b) *HACCP plan requirement.* A food facility that packages food using a reduced oxygen packaging method—where *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form of the food—shall have a HACCP plan that contains the information specified in § 46.1122(b)(4) (relating to HACCP plans) and that does all of the following:

(1) Identifies the food to be packaged.

(2) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one of the following:

(i) Has an  $a_w$  of 0.91 or less.

(ii) Has a pH of 4.6 or less.

(iii) Is a meat or poultry product cured at a food establishment regulated by USDA using substances specified in 9 CFR 318.7 (relating to approval of substances for use in the preparation of products) and 9 CFR 381.147 (relating to restrictions on the use of substances in poultry products), and is received in an intact package.

(iv) Is a food with a high level of competing organisms such as raw meat or raw poultry.

(3) Specifies methods for maintaining food at 5°C (41°F) or below.

(4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to do the following:

(i) Maintain the food at 5°C (41°F) or below.

(ii) Discard the food within 14-calendar days of its packaging if it is not served for on-premises consumption, or it is not consumed if served or sold for off-premises consumption.

(5) Limits the shelf life to no more than 14-calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(6) Includes operational procedures that do all of the following:

(i) Prohibit contacting food with bare hands.

(ii) Identify a designated area and the method by which the following occur:

(A) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination.

(B) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation.

(iii) Cleaning and sanitization procedures for food-contact surfaces are delineated.

(7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the following:

(i) Concepts required for a safe operation.



- (ii) Equipment and facilities.
- (iii) Procedures specified in paragraph (6) and § 46.1122(b)(4).

(c) *Special restriction with respect to certain fish.* Except for fish that is frozen before, during, and after packaging, a food facility may not package fish using a reduced oxygen packaging method.

#### **FOOD IDENTITY, PRESENTATION AND ON-PREMISES LABELING**

##### **§ 46.421. Accurate representation.**

(a) *Standards of identity.* Packaged food shall comply with standard of identity requirements in the following:

- (1) The act.
- (2) Definitions in 21 CFR 131—169 (relating to Food and Drug Administration, Department of Health and Human Services) and 9 CFR 319 (relating to definitions and standards of identity or composition).
- (3) 21 CFR 130 (relating to food standards: general).
- (4) 9 CFR 319 Subpart A (relating to definitions and standards of identity or composition).

(b) *Food shall be honestly presented.*

- (1) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (2) Food or color additives, colored overwraps or lights may not be used to misrepresent the true appearance, color or quality of a food.

##### **§ 46.422. Labeling.**

(a) *Labels required on packaged foods.* Food packaged in a food facility shall be labeled as specified in the act, 21 CFR 101 (relating to food labeling), 9 CFR 317 (relating to labeling, marking devices, and containers) and 9 CFR 381 Subpart N (relating to poultry products inspection regulations: labeling and containers).

(b) *Label information on packaged foods.* Label information on packaged foods shall include the following:

- (1) The common name of the food, or absent a common name, an adequately descriptive identity statement.
- (2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.
- (3) An accurate declaration of the quantity of contents.
- (4) The name and place of business of the manufacturer, packer or distributor.
- (5) Except as exempted in section 403(q)(3)—(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 343(q)(3)—(5)), nutritional labeling as specified in 21 CFR 101 (relating to food labeling) and 9 CFR 317 Subpart B (relating to nutrition labeling).

(c) *Labeling information on bulk foods available for consumer self-dispensing or on unpackaged foods portioned to consumer specifications.* Bulk food that is available for consumer self-dispensing or unpackaged foods portioned to consumer specifications shall be prominently labeled with one of the following in plain view of the consumer:

- (1) The manufacturer's or processor's label that was provided with the food.

(2) A card, sign or other method of notification that includes the information specified in subsection (b)(1), (2) and (5).

(d) *Labeling information on certain bakery products.* Bakery products need not be labeled if they are sold directly to the consumer and the following are accurate:

(1) The food is either manufactured or prepared on the premises of the food facility or at another food facility that is owned by the same person and is regulated by the Department or other food regulatory agency that has jurisdiction.

(2) The information specified in subsection (b)(1), (2) and (5) is available at the place of sale.

(3) A health, nutrient content or other claim is not made.

(e) *Other forms of information.*

(1) If required by law, consumer warnings shall be provided.

(2) Food facility or manufacturers' dating information on foods may not be concealed or altered.

##### **§ 46.423. Consumer advisory required with respect to animal foods that are raw, undercooked or not otherwise processed to eliminate pathogens.**

Except as specified in §§ 46.361(c) and (d)(3) and 46.461 (relating to cooking raw animal foods; and additional safeguards for a food facility that serves a highly susceptible population), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish that is raw, undercooked or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended or other item; or as a raw ingredient in another ready-to-eat food, the food facility shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means of the significantly increased risk associated with certain highly susceptible populations eating these foods in raw or undercooked form.

#### **CONTAMINATED FOOD**

##### **§ 46.441. Discarding, or reconditioning unsafe, adulterated or contaminated food.**

The following foods shall be discarded:

(1) A food that is unsafe, adulterated or not honestly presented as specified in § 46.201 (relating to food shall be safe, unadulterated and honestly presented), unless the food is reconditioned according to a procedure approved by the Department.

(2) Food that is not from an approved source as specified in §§ 46.211—46.221.

(3) Ready-to-eat food that may have been contaminated by an employee that has been restricted or excluded as specified in § 46.113 (relating to duty to impose exclusions and restrictions).

(4) Food that is contaminated by food employees, consumers or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means.

#### **SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS**

##### **§ 46.461. Additional safeguards for a food facility that serves a highly susceptible population.**

(a) *Prepackaged juice bearing a warning label prohibited.* In a food facility that serves a highly susceptible population, prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified

in 21 CFR 101.17(g) (relating to labeling warning and notice statements), may not be served or offered for sale.

(b) *Pasteurized eggs required in certain foods.* In a food facility that serves a highly susceptible population, pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of the following:

(1) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, egg nog, ice cream and egg-fortified beverages.

(2) Except as specified in subsection (e), recipes in which more than one egg is broken and the eggs are combined.

(c) *Food in unopened original packages.* In a food facility that serves a highly susceptible population, food in an unopened original package may not be re-served.

(d) *Prohibited ready-to-eat foods.* In a food facility that serves a highly susceptible population, the following foods may not be served or offered for sale in a ready-to-eat form:

(1) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish and steak tartare.

(2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue.

(3) Raw seed sprouts.

(e) *Limited exception allowing use of raw eggs.* In a food facility that serves a highly susceptible population, subsection (b)(2) does not apply in any of the following circumstances:

(1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in § 46.361(a)(1) (relating to cooking raw animal foods), and served immediately, such as an omelet, soufflé or scrambled eggs.

(2) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin or bread.

(3) The preparation of the food is conducted under a HACCP plan that accomplishes the following:

(i) Identifies the food to be prepared.

(ii) Prohibits contacting ready-to-eat food with bare hands.

(iii) Includes specifications and practices that ensure the following:

(A) Salmonella Enteritidis growth is controlled before and after cooking.

(B) Salmonella Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in § 46.361(a)(2).

(iv) Contains the information specified in § 46.1122(b)(4) (relating to HACCP plans) including procedures that accomplish the following:

(A) Control cross contamination of ready-to-eat food with raw eggs.

(B) Delineate cleaning and sanitization procedures for food-contact surfaces.

(v) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

## Subchapter D. EQUIPMENT, UTENSILS AND LINENS

### GENERAL STANDARD

Sec.  
46.501. Acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program.

### MATERIALS FOR USE IN CONSTRUCTION AND REPAIR

46.521. Materials in multiuse utensils and food contact surfaces.  
46.522. Materials for surfaces that are nonfood-contact surfaces.  
46.523. Single-service and single-use articles: required characteristics.

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46.591. Warewashing machines.  
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### MAINTENANCE AND OPERATION OF EQUIPMENT

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46.691. Utensils and temperature and pressure measuring devices: repair and calibration.  
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### CLEANING OF EQUIPMENT AND UTENSILS

46.711. Objective of cleaning equipment and utensils.  
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**LAUNDERING**

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- 46.771. Drying clean equipment and utensils.
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**GENERAL STANDARD**

**§ 46.501. Acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program.**

Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program shall be deemed to comply with the applicable provisions of §§ 46.521—46.523, 46.541—46.544, 46.561—46.563 and 46.581—46.595.

**MATERIALS FOR USE IN CONSTRUCTION AND REPAIR**

**§ 46.521. Materials in multiuse utensils and food contact surfaces.**

(a) *Required characteristics.* Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors or tastes to food. Under normal use conditions these materials shall be all of the following:

- (1) Safe.
- (2) Durable, corrosion-resistant and nonabsorbent.
- (3) Sufficient in weight and thickness to withstand repeated warewashing.
- (4) Finished to have a smooth, easily cleanable surface.
- (5) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

(b) *Cast iron: use limitation.* Except as specified in paragraphs (1) and (2), cast iron may not be used for utensils or food-contact surfaces of equipment.

- (1) Cast iron may be used as a surface for cooking.
- (2) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

(c) *Lead in ceramic, china and crystal utensils: use limitation.* Ceramic, china, crystal utensils and decorative utensils (such as hand painted ceramic or china) that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

<i>Utensil Category</i>	<i>Description</i>	<i>Maximum Lead in Mg/L (ppm)</i>
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls ≥ 1.1 L (1.16 Qt.)	1.0

<i>Utensil Category</i>	<i>Description</i>	<i>Maximum Lead in Mg/L (ppm)</i>
Small Hollowware	Bowls < 1.1 L (1.16 Qt.)	2.0
Flat Utensils	Plates, Saucers	3.0

(d) *Copper: use limitation.*

(1) Except as specified in paragraph (2), copper and copper alloys (such as brass) may not be used in contact with a food that has a pH below 6 (such as vinegar, fruit juice or wine) or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(2) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

(e) *Galvanized metal: use limitation.* Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

(f) *Sponges: use limitation.* Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(g) *Lead in pewter alloys: use limitation.* Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.

(h) *Lead in solder and flux; use limitation.* Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

(i) *Wood: use limitation.* Except as specified in paragraphs (1)—(3), wood and wood wicker may not be used as a food-contact surface.

(1) Hard maple or an equivalently hard, close-grained wood may be used for the following:

(i) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls and chopsticks.

(ii) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.

(2) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables or nuts are used.

(3) If the nature of the food requires removal of rinds, peels, husks or shells before consumption, the whole, uncut, raw food may be kept in the following:

(i) Untreated wood containers.

(ii) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 (relating to preservatives for wood).

(j) *Nonstick coatings, use limitation.* Multiuse kitchenware (such as frying pans, griddles, sauce pans, cookie sheets and waffle bakers) that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

**§ 46.522. Materials for surfaces that are nonfood-contact surfaces.**

Surfaces of equipment that are nonfood-contact surfaces, but are exposed to splash, spillage or other food

soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent and smooth material.

**§ 46.523. Single-service and single-use articles: required characteristics.**

Materials that are used to make single-service and single-use articles shall be safe and clean, and may not allow the migration of deleterious substances, or impart colors, odors or tastes to food.

**DESIGN AND CONSTRUCTION**

**§ 46.541. Durability and strength.**

(a) *Equipment and utensils.* Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) *Food temperature measuring devices.* Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating (such as candy thermometers) may be used.

**§ 46.542. Cleanability of multiuse food-contact surfaces and CIP equipment.**

(a) *Multiuse food-contact surfaces.* Multiuse food-contact surfaces shall be all of the following:

- (1) Smooth.
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits and similar imperfections.
- (3) Free of sharp internal angles, corners and crevices.
- (4) Finished to have smooth welds and joints.
- (5) Except as specified in subsection (b), accessible for cleaning and inspection by one of the following methods:
  - (i) Without being disassembled.
  - (ii) By disassembling without the use of tools.
  - (iii) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel (such as screwdrivers, pliers, open-end wrenches and Allen wrenches).

(b) *Exception.* Subsection (a)(5) does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

(c) *CIP equipment.* CIP equipment shall meet the characteristics specified in subsection (a) and shall be designed and constructed so that the following are accurate:

- (1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces.
- (2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.
- (3) If the CIP equipment is not designed for disassembly during cleaning, it is designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

**§ 46.543. "V" threads: use limitation.**

Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

**§ 46.544. Cleanability of hot oil filtering equipment, can openers, nonfood-contact surfaces, kick plates and ventilation hood systems.**

(a) *Hot oil filtering equipment.* Hot oil filtering equipment shall meet the characteristics specified in § 46.542

(relating to cleanability of multiuse food-contact surfaces and CIP equipment), as applicable, and shall be readily accessible for filter replacement and cleaning of the filter.

(b) *Can openers.* Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(c) *Nonfood-contact surfaces.* Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(d) *Kick plates, removable.* Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being both of the following:

- (1) Removable by one of the methods specified in § 46.542(a)(5) or capable of being rotated open.
- (2) Removable or capable of being rotated open without unlocking equipment doors.

(e) *Ventilation hood systems, filters.* Filters or other grease extracting equipment, if not designed to be cleaned in place, shall be designed to be readily removable for cleaning and replacement.

**ACCURACY**

**§ 46.561. Accuracy of temperature measuring devices for food.**

(a) *Accuracy range for Celsius-scaled or Celsius/Fahrenheit-scaled devices.* Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to  $\pm 1^{\circ}\text{C}$  in the intended range of use.

(b) *Accuracy for Fahrenheit-scaled devices.* Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to  $\pm 2^{\circ}\text{F}$  in the intended range of use.

**§ 46.562. Accuracy of temperature measuring devices for ambient air and water.**

(a) *Accuracy range for Celsius-scaled or Celsius/Fahrenheit-scaled devices.* Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to  $\pm 1.5^{\circ}\text{C}$  in the intended range of use.

(b) *Accuracy for Fahrenheit-scaled devices.* Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to  $\pm 3^{\circ}\text{F}$  in the intended range of use.

**§ 46.563. Accuracy of pressure measuring devices on mechanical warewashing equipment.**

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse on mechanical warewashing equipment shall have increments of 7 kilopascals (1 pounds per square inch) or smaller, and shall be accurate to  $\pm 14$  kilopascals ( $\pm 2$  pounds per square inch) in the 100–170 kilopascals (15–25 pounds per square inch) range.

**FUNCTIONALITY**

**§ 46.581. Ventilation hood systems, drip prevention.**

Exhaust ventilation hood systems in food preparation and warewashing areas (including components such as hoods, fans, guards and ducting) shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

**§ 46.582. Equipment openings, closures and deflectors.**

(a) *Overlap and slope of covers.* A cover or lid for equipment shall overlap the opening and be sloped to drain.

(b) *Flange requirement.* An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (2/10 of an inch).

(c) *Watertight joint.* Except as specified in subsection (d), fixed piping, temperature measuring devices, rotary shafts and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

(d) *Alternative to watertight joint.* If a watertight joint is not provided, the piping, temperature measuring devices, rotary shafts and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips and dust from openings into the food. The openings shall be flanged as specified in subsection (b).

**§ 46.583. Dispensing equipment: protection of equipment and food.**

In equipment that dispenses or vends liquid food or ice in unpackaged form, the following shall occur:

(1) The delivery tube, chute orifice and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(2) The delivery tube, chute and orifice shall be protected from manual contact such as by being recessed.

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents and other contamination by a self-closing door if the equipment is either of the following:

(i) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants that are present in the environment.

(ii) Available for self-service during hours when it is not under the full-time supervision of a food employee.

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

**§ 46.584. Vending machines.**

(a) *Vending stage closure.* The dispensing compartment of a vending machine—including a machine that is designed to vend prepackaged snack food that is not potentially hazardous (such as chips, party mixes and pretzels)—shall be equipped with a self-closing door or cover if the machine is either of the following:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants that are present in the environment.

(2) Available for self-service during hours when it is not under the full supervision of a food employee.

(b) *Automatic shutoff.*

(1) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food under either of the following circumstances:

(i) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified in Subchapter C (relating to food).

(ii) If a condition specified in subparagraph (i) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified in Subchapter C.

(2) When the automatic shutoff within a refrigerated vending machine vending potentially hazardous food is activated, the ambient temperature may not exceed 5°C (41°F) or 7°C (45°F) as specified in § 46.385(a)(3) (relating to potentially hazardous food: hot and cold holding) for more than 30 minutes immediately after the machine is filled, serviced or restocked.

(3) When the automatic shutoff within a hot holding vending machine vending potentially hazardous food is activated, the ambient temperature may not be less than 60°C (140°F) for more than 120 minutes immediately after the machine is filled, serviced or restocked.

(c) *Can openers.* Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents and other contamination.

(d) *Vending machines that dispense liquids in paper containers.* Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(e) *Vending machines that dispense liquid food in bulk.* Vending machines that dispense liquid food in bulk shall be both of the following:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow or other internal wastes.

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(f) *Requirements for a liquid shutoff device.* Shutoff devices described in subsection (e)(2) shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

(g) *Doors and openings.*

(1) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or 1/16 inch by one or more of the following:

(i) Being covered with louvers, screens or materials that provide an equivalent opening of not greater than 1.5 millimeters or 1/16 inch. Screening of 12 or more

mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement.

- (ii) Being effectively gasketed.
- (iii) Having interface surfaces that are at least 13 millimeters or 1/2 inch wide.
- (iv) Jambs or surfaces used to form an L-shaped entry path to the interface.

(2) Vending machine service connection openings through an exterior wall of the machine, shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or 1/16 inch.

**§ 46.585. Bearings and gear boxes: leakproof.**

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip or be forced into food or onto food-contact surfaces.

**§ 46.586. Beverage tubing: separation.**

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

**§ 46.587. Ice units: separation of drains.**

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

**§ 46.588. Condenser unit: separation.**

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

**§ 46.589. Molluscan shellfish tanks.**

(a) *General.* Except as specified in subsection (b), molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) *Exception.* Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with the following:

- (1) A variance granted by the Department in accordance with the procedure described in § 46.1103(a) (relating to variances).
- (2) A HACCP plan that is submitted by the food facility operator and approved as specified in § 46.1103(b), ensuring the following:
  - (i) Water used with fish other than molluscan shellfish does not flow into the molluscan tank.
  - (ii) The safety and quality of the shellfish as they were received are not compromised by the use of the tank.
  - (iii) The identity of the source of the shellstock is retained as specified in § 46.250 (relating to shellstock: maintaining identification).

**§ 46.590. Temperature measuring devices.**

(a) *Location of device in storage unit.* In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a

mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) *General device requirement.* Except as specified in subsection (c), cold or hot holding equipment used for potentially hazardous food shall be designed to include—and shall be equipped with—at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) *Exception to device requirement.* Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers and salad bars.

(d) *Easily readable.* Temperature measuring devices shall be designed to be easily readable.

(e) *Devices on warewashing machines.* Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record or digital readout in increments no greater than 1°C or 2°F in the intended range of use.

**§ 46.591. Warewashing machines.**

(a) *Data plate summarizing operating specifications.* A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the following:

- (1) Temperatures required for washing, rinsing and sanitizing.
- (2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse.
- (3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(b) *Internal baffles.* Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

(c) *Temperature measuring devices.* A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature in the following locations or instances:

- (1) In each wash and rinse tank.
- (2) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(d) *Sanitizer level indicator.* A warewashing machine that uses a chemical for sanitization and that is installed after the \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of the proposal.) effective date of this chapter, shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added.

(e) *Flow pressure device.* Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine. If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse

control valve, the device shall be mounted in a 6.4 millimeter or 1/4 inch Iron Pipe Size (IPS) valve. This subsection does not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

**§ 46.592. Manual warewashing machines.**

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall comply with the following:

(1) Be designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F).

(2) Be provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

**§ 46.593. Warewashing sinks and drainboards: self-draining.**

Sinks and drainboards of warewashing sinks and machines shall be self-draining.

**§ 46.594. Equipment compartments: drainage.**

Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

**§ 46.595. Case lot handling equipment: moveability.**

Equipment, such as dollies, pallets, racks and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or over-wrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

**NUMBERS AND CAPACITIES OF EQUIPMENT**

**§ 46.611. Cooling, heating and holding capacities.**

Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified in Subchapter C (relating to food).

**§ 46.612. Manual warewashing: sink compartment requirements.**

(a) *General: three compartments required.* Except as specified in subsection (c), a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) *Large equipment and utensils.* Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) shall be used.

(c) *Exception for approved alternative equipment.* Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved by the Department. Alternative manual warewashing equipment may include any of the following:

- (1) High-pressure detergent sprayers.
- (2) Low- or line-pressure spray detergent foamers.
- (3) Other task-specific cleaning equipment.
- (4) Brushes or other implements.
- (5) Two-compartment sinks as specified in subsection (d).

(6) Receptacles that substitute for the compartments of a multicompartment sink.

(d) *Use of two compartment sink.* A two-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process. A two-compartment sink may be used when all of the following are accurate:

(1) The food facility operator has obtained approval from the Department to use the two-compartment sink.

(2) The nature of warewashing is limited to batch operations for cleaning kitchenware (such as between cutting one type of raw meat and another or cleanup at the end of a shift) and the following are accurate:

(i) The number of items to be cleaned is limited.

(ii) The cleaning and sanitizing solutions are made up immediately before use and drained immediately after use.

(iii) Either a detergent-sanitizer is used to sanitize and is applied as specified in § 46.676(e) (relating to manual warewashing equipment), or a hot water sanitization immersion step is used as specified in § 46.718(3) (relating to rinsing procedures).

**§ 46.613. Drainboards.**

Drainboards, utensil racks or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

**§ 46.614. Ventilation hood systems: adequacy.**

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

**§ 46.615. Clothes washers and dryers.**

A mechanical clothes washer and dryer shall be provided and used at a food facility if work clothes or linens are laundered on the premises. This section does not apply if on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified in § 46.772 (relating to wiping cloths: air-drying locations).

**NUMBERS AND CAPACITIES OF UTENSILS, TEMPERATURE MEASURING DEVICES AND TESTING DEVICES**

**§ 46.631. Consumer self-service utensils.**

A food-dispensing utensil shall be available for each container displayed at a consumer self-service unit (such as a buffet or salad bar).

**§ 46.632. Food temperature measuring devices.**

Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified in Subchapter C (relating to food).

**§ 46.633. Temperature measuring devices for manual warewashing.**

In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

**§ 46.634. Sanitizing solution testing devices.**

A test kit or other device that accurately measures the concentration in mg/L or ppm, of sanitizing solutions shall be provided.

**LOCATION AND INSTALLATION OF EQUIPMENT****§ 46.651. Location of equipment, clothes washers and dryers and storage cabinets to prevent contamination.**

(a) *Prohibited locations.* Except as specified in subsection (b), equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located in the following:

- (1) Locker rooms.
- (2) Toilet rooms.
- (3) Garbage rooms.
- (4) Mechanical rooms.
- (5) Under sewer lines that are not shielded to intercept potential drips.
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.
- (7) Under open stairwells.
- (8) Under other sources of contamination.

(b) *Exception.* A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

(c) *Mechanical clothes washer or dryer.* If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

**§ 46.652. Installation of fixed equipment, fixed table-mounted equipment and fixed floor-mounted equipment.**

(a) *Fixed equipment: spacing or sealing.* Equipment that is fixed because it is not easily movable shall be installed so that it is both of the following:

- (1) Spaced to allow access for cleaning along the sides, behind and above the equipment.
- (2) Spaced from adjoining equipment, walls and ceilings a distance of not more than 1 millimeter or 1/32 inch or—if the equipment is exposed to spillage or seepage—sealed to adjoining equipment or walls.

(b) *Fixed table-mounted equipment.* Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being one of the following:

- (1) Sealed to the table.
- (2) Elevated on legs that provide at least one of the following:
  - (i) 10 centimeters (4 inches) clearance between the table and the equipment.
  - (ii) 7.5 centimeters (3 inches) clearance between the table and the equipment if the horizontal distance of the table top under the equipment is no more than 50 centimeters (20 inches) from the point of access for cleaning.

(iii) 5 centimeters (2 inches) clearance between the table and the equipment if the horizontal distance of the table top under the equipment is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.

(c) *Fixed floor-mounted equipment.*

(1) Except as specified in paragraph (2) or (3), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a 15 centimeters (6 inches) clearance between the floor and the equipment.

(2) If no part of the floor under the floor-mounted equipment is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).

(3) This section does not apply to display shelving units, display refrigeration units and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.

**MAINTENANCE AND OPERATION OF EQUIPMENT****§ 46.671. Equipment: good repair and proper adjustment.**

(a) *General.* Equipment shall be maintained in a state of repair and condition that meets the requirements specified in §§ 46.501, 46.521—46.523, 46.541—46.544, 46.561—46.563 and 46.581—46.595.

(b) *Equipment components.* Equipment components such as doors, seals, hinges, fasteners and kick plates shall be kept intact, tight and adjusted in accordance with manufacturer's specifications.

(c) *Cutting or piercing parts of can openers.* Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

**§ 46.672. Cutting surfaces.**

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

**§ 46.673. Microwave ovens.**

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 (relating to microwave ovens).

**§ 46.674. Warewashing equipment: mechanical or manual.**

(a) *Cleaning frequency.* A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified in § 46.613 (relating to drainboards) shall be cleaned as follows:

- (1) Before use.
- (2) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function.



(3) If used, at least every 24 hours.

(b) *Cleaning agents.* When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in § 46.612(c) (relating to manual warewashing; sink compartment requirements), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner or other cleaning agent according to the cleaning agent manufacturer's label instructions.

(c) *Clean solutions.* The wash, rinse and sanitize solutions shall be maintained clean.

(d) *Chemical sanitization: temperature, pH, concentration and hardness.* A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified in § 46.731(c)(3) (relating to sanitization: requirement, frequency and methods) shall be listed in 21 CFR 178.1010 (relating to sanitizing solutions), shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

<i>Minimum Concentration</i>	<i>Minimum Temperature for Solution with pH of 10 or less</i>	<i>Minimum Temperature for Solution with pH of 8 or less</i>
25 mg/L (ppm)	49°C (120°F)	49°C (120°F)
50 mg/L (ppm)	38°C (100°F)	24°C (75°F)
100 mg/L (ppm)	13°C (55°F)	13°C (55°F)

(2) An iodine solution shall have the following:

(i) A minimum temperature of 24°C (75°F).

(ii) A pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective.

(iii) A concentration between 12.5 mg/L (ppm) and 25 mg/L (ppm).

(3) A quaternary ammonium compound solution shall:

(i) Have a minimum temperature of 24°C (75°F).

(ii) Have a concentration as specified in § 46.713 (relating to chemicals: use criteria) and as indicated by the manufacturer's use directions included in the labeling.

(iii) Be used only in water with 500 mg/L (ppm) hardness or less or in water having a hardness no greater than specified by the manufacturer's label.

(4) If another solution of a chemical specified in paragraphs (1)—(3) is used, the food facility operator shall demonstrate to the Department that the solution achieves sanitization and the use of the solution may be approved by the Department.

(5) If a chemical sanitizer other than chlorine, iodine or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer use directions included in the labeling.

(e) *Determining chemical sanitizer concentration.* Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

**§ 46.675. Mechanical warewashing equipment.**

(a) *Manufacturers' operating instructions.*

(1) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(2) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(b) *Wash solution temperature where hot water is used to sanitize.* The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than the following temperature, as applicable:

(1) For a stationary rack, single temperature machine, 74°C (165°F).

(2) For a stationary rack, dual temperature machine, 66°C (150°F).

(3) For a single tank, conveyor, dual temperature machine, 71°C (160°F).

(4) For a multitank, conveyor, multitemperature machine, 66°C (150°F).

(c) *Wash solution temperature where chemicals are used to sanitize.* The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 49°C (120°F).

(d) *Sanitizing rinse temperature where hot water is used to sanitize.*

(1) Except as specified in paragraph (2), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 90°C (194°F), or less than the following, as applicable:

(i) For a stationary rack, single temperature machine: 74°C (165°F).

(ii) For all other machines: 82°C (180°F).

(2) The maximum temperature specified in paragraph (1) does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

(e) *Sanitization pressure.* The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

**§ 46.676. Manual warewashing equipment.**

(a) *Warewashing sinks: use limitation.* A warewashing sink may not be used for handwashing.

(b) *Sanitizing warewashing sink after other uses.* If a warewashing sink is used to wash wiping cloths, wash produce or thaw food, the sink shall be cleaned as specified in § 46.674(a) (relating to warewashing equip-

ment: mechanical or manual) before and after each time it is used to wash wiping cloths, wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified in § 46.731 (relating to sanitization: requirement, frequency and methods) before and after using the sink to wash produce or thaw food.

(c) *Wash solution temperature.* The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.

(d) *Hot water sanitization temperatures.* If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above.

(e) *Chemical sanitization using detergent-sanitizers.* If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

#### **MAINTENANCE AND OPERATION OF UTENSILS AND TEMPERATURE AND PRESSURE MEASURING DEVICES**

##### **§ 46.691. Utensils and temperature and pressure measuring devices: repair and calibration.**

(a) *General requirement of good repair and calibration.* Utensils shall be maintained in a state of repair or condition that complies with the requirements specified in §§ 46.501—46.521, 46.523, 46.541—46.544, 46.561—46.563, 46.581—46.595 or shall be discarded.

(b) *Food temperature measuring devices.* Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

(c) *Ambient air temperature, water pressure and water temperature measuring devices.* Ambient air temperature, water pressure and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

##### **§ 46.692. Single-service and single-use articles.**

(a) *Required use.* A food facility without facilities specified in §§ 46.711—46.719 (relating to cleaning of equipment and utensils) for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

(b) *Use limitation.*

(1) Single-service and single-use articles may not be reused.

(2) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than 1 inch protruding from the chilled dispensing head.

##### **§ 46.693. Mollusk and crustacean shells used as serving containers.**

Mollusk and crustacean shells may not be used more than once as serving containers.

#### **CLEANING OF EQUIPMENT AND UTENSILS**

##### **§ 46.711. Objective of cleaning equipment and utensils.**

(a) *General cleanliness requirement.* Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(b) *Grease and soil accumulations.* The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) *Nonfood contact surfaces.* Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue and other debris.

##### **§ 46.712. Frequency of cleaning equipment food-contact surfaces and utensils.**

(a) *General requirements.* Equipment food-contact surfaces and utensils shall be cleaned as follows:

(1) Except as specified in subsection (b), before each use with a different type of raw animal food such as beef, fish, lamb, pork or poultry.

(2) Each time there is a change from working with raw foods to working with ready-to-eat foods.

(3) Between uses with raw fruits and vegetables and with potentially hazardous food.

(4) Before using or storing a food temperature measuring device.

(5) At any time during the operation when contamination may have occurred.

(b) *Exception.* Subsection (a)(1) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified in § 46.361 (relating to cooking raw animal foods) than the previous food (such as preparing raw fish followed by cutting raw poultry on the same cutting board).

(c) *Maximum cleaning interval for equipment food-contact surfaces and utensils in contact with potentially hazardous food.* Except as specified in subsection (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every 4 hours.

(d) *Exceptions.* Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every 4 hours under any of the following circumstances:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified in Subchapter C (relating to food characteristics) and the containers are cleaned when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the chart in subparagraph (i) and both of the following occur:

(i) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
5.0°C (41°F) or less	24 hours
> 5.0°C and ≤ 7.2°C (> 41°F and ≤ 45°F)	20 hours
> 7.2°C and ≤ 10°C (> 45°F and ≤ 50°F)	16 hours
> 10°C and ≤ 12.8°C (> 50°F and ≤ 55°F)	10 hours

(ii) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food facility.

(3) Containers in serving situations such as salad bars, delis and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified in Subchapter C, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours.

(4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified in Subchapter C.

(5) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.

(6) The cleaning schedule is approved by the Department based on consideration of the following:

- (i) Characteristics of the equipment and its use.
- (ii) The type of food involved.
- (iii) The amount of food residue accumulation.

(iv) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at 60°C (140°F) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(e) *Maximum cleaning interval for equipment food-contact surfaces and utensils in contact with food that is not potentially hazardous.* Except when dry cleaning methods are used as specified in § 46.715(a) (relating to methods of cleaning) surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned as follows:

(1) At any time when contamination may have occurred.

(2) At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops or ladles.

(3) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers.

(4) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment as follows:

- (i) At a frequency specified by the manufacturer.
- (ii) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

**§ 46.713. Frequency of cleaning cooking and baking equipment.**

(a) *Food contact surfaces.* The food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours. This requirement does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in § 46.712(d)(6) (relating to frequency of cleaning equipment food-contact surfaces and utensils).

(b) *Microwave ovens.* The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

**§ 46.714. Frequency of cleaning nonfood-contact surfaces.**

Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

**§ 46.715. Methods of cleaning.**

(a) *Dry cleaning.*

(1) If used, dry cleaning methods such as brushing, scraping and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

(2) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

(b) *Precleaning.*

(1) Food debris on equipment and utensils shall be scrapped over a waste disposal unit scupper, or garbage receptacle or may be removed in a warewashing machine with a prewash cycle.

(2) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked or scrubbed with abrasives.

(c) *Wet cleaning.*

(1) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(2) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

**§ 46.716. Washing; loading of soiled items into warewashing machines.**

Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that exposes the items to the unobstructed spray from all cycles, and allows the items to drain.

**§ 46.717. Washing procedures for alternative warewashing equipment.**

If washing in sink compartments or a warewashing machine is impractical (such as when the equipment is fixed or the utensils are too large) washing shall be done by using alternative manual warewashing equipment as specified in § 46.612(c) (relating to manual warewashing: sink compartment requirements) in accordance with the following procedures:

(1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.

(2) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation.

(3) Equipment and utensils shall be washed as specified in § 46.715(c)(1) (relating to methods of cleaning).

**§ 46.718. Rinsing procedures.**

Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

(1) Use of a distinct, separate water rinse after washing and before sanitizing if using any of the following:

- (i) A three-compartment sink.
- (ii) Alternative manual warewashing equipment equivalent to a three-compartment sink as specified in § 46.612(c) (relating to manual warewashing: sink compartment requirements).
- (iii) A three-step washing, rinsing and sanitizing procedure in a warewashing system for CIP equipment.

(2) Use of a detergent-sanitizer as specified in § 46.676(f) (relating to manual warewashing equipment) if using either of the following:

- (i) Alternative warewashing equipment as specified in § 46.612(c) that is approved for use with a detergent-sanitizer.
- (ii) A warewashing system for CIP equipment.

(3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two-compartment sink operation.

(4) If using a warewashing machine that does not recycle the sanitizing solution as specified in paragraph (5), or alternative manual warewashing equipment (such as sprayers), use of a nondistinct water rinse that is the following:

- (i) Integrated in the application of the sanitizing solution.
- (ii) Wasted immediately after each application.

(5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

**§ 46.719. Washing returnable containers for refilling.**

(a) *General requirement.* Except as specified in subsections (b) and (c), returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food establishment.

(b) *Exception.* A food-specific container for beverages may be refilled at a food facility if all of the following are accurate:

- (1) Only a beverage that is not a potentially hazardous food is used as specified in § 46.307(a) (relating to refilling returnables).
- (2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food facility.
- (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system.
- (4) The consumer-owned container returned to the food facility for refilling is refilled for sale or service only to the same consumer.
- (5) The container is refilled by either of the following:

(i) An employee of the food facility.

(ii) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

(c) *Exception.* Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

**SANITIZATION OF EQUIPMENT AND UTENSILS****§ 46.731. Sanitization: requirement, frequency and methods.**

(a) *Requirement.* Equipment food-contact surfaces and utensils shall be sanitized in accordance with this section.

(b) *Frequency.* Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

(c) *Methods: hot water and chemical.* After being cleaned, equipment food-contact surfaces and utensils shall be sanitized by the following methods, based upon the type of operation:

(1) In hot water manual operations: by immersion for at least 30 seconds and as specified in § 46.676(d) (relating to manual warewashing equipment).

(2) In hot water mechanical operations: by being cycled through equipment that is set up as specified in § 46.675(a), (d) and (e) (relating to mechanical warewashing equipment) and achieving a utensil surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator.

(3) In chemical manual or mechanical operations: including the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods, using a solution as specified in § 46.674(d) (relating to warewashing equipment: mechanical or manual) for the following exposure time, as applicable:

(i) Except as specified in subparagraph (ii), an exposure time of at least 10 seconds for a chlorine solution specified in § 46.674(d)(1).

(ii) An exposure time of at least 7 seconds for a chlorine solution of 50 mg/L (ppm) that has a pH of 10 or less and a temperature of at least 38°C (100°F) or a pH of 8 or less and a temperature of at least 24°C (75°F).

(iii) An exposure time of at least 30 seconds for other chemical sanitizing solutions.

(iv) An exposure time used in relationship with a combination of temperature, concentration and pH that, when evaluated for efficacy, yields sanitization.

**LAUNDERING****§ 46.751. Requirement and frequency of laundering.**

(a) *Requirement.* Clean linens shall be free from food residues and other soiling matter.

(b) *Frequency of laundering.*

(1) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled.

(2) Cloth gloves used as specified in § 46.305(d) (relating to gloves: use limitations) shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork and fish.

(3) Linens and napkins that are used as specified in § 46.303 (relating to linens and napkins: use limitations) and cloth napkins shall be laundered between each use.

(4) Wet wiping cloths shall be laundered daily.

(5) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

**§ 46.752. Methods of laundering.**

(a) *Storage of soiled linens.* Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

(b) *Mechanical washing.* All linens shall be mechanically washed, except in food facilities where only wiping cloths are laundered as specified in § 46.615(b) (relating to clothes washers and dryers), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified in § 46.674(a) (relating to warewashing equipment: mechanical or manual).

**§ 46.753. Use of laundry facilities.**

(a) *General requirement.* Except as specified in subsection (b), laundry facilities on the premises of a food facility shall be used only for the washing and drying of items used in the operation of the facility.

(b) *Exception.* Separate laundry facilities located on the premises for the purpose of general laundering (such as for institutions providing boarding and lodging) may also be used for laundering food facility items.

**PROTECTION OF CLEAN ITEMS**

**§ 46.771. Drying clean equipment and utensils.**

(a) *Air-drying or adequate draining required.* After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining as specified in paragraph (a) of 21 CFR 78.1010 (relating to sanitizing solutions) before contact with food.

(b) *Cloth drying.* After cleaning and sanitizing, equipment and utensils may not be cloth-dried, except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

**§ 46.772. Wiping cloths: air-drying locations.**

(a) *General.* Except as provided in subsection (b), wiping cloths laundered in a food facility that does not have a mechanical clothes dryer as specified in § 46.615(b) (relating to clothes washers and dryers) shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths.

(b) *Exception.* This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified in § 46.674(d) (relating to warewashing equipment: mechanical or manual).

**§ 46.773. Lubricating and reassembling clean food contact surfaces and equipment.**

(a) *Food-contact surfaces.* Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(b) *Equipment.* Equipment shall be reassembled so that food-contact surfaces are not contaminated.

**§ 46.774. Storing clean items.**

(a) *General requirement for equipment, utensils, linens, and single-service and single-use articles.* Except as specified in subsection (d), cleaned equipment and utensils,

laundered linens, and single-service and single-use articles shall be stored as follows:

(1) In a clean, dry location.

(2) Where they are not exposed to splash, dust or other contamination.

(3) At least 15 cm (6 inches) above the floor.

(b) *Additional storage requirements for equipment and utensils.* Clean equipment and utensils shall be stored as specified in subsection (a) and shall be stored covered or inverted, and in a self-draining position that allows air drying.

(c) *Additional storage requirements for single-service and single-use articles.* Single-service and single-use articles shall be stored as specified in subsection (a) and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(d) *Items in closed packages.* Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks and skids that are designed as specified in § 46.595 (relating to case lot handling equipment: moveability).

(e) *Prohibited storage locations.* Except as specified in subsection (f), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored in any of the following locations:

(1) A locker rooms.

(2) A toilet room.

(3) A garbage room.

(4) A mechanical room.

(5) Under a sewer line that is not shielded to intercept potential drips.

(6) Under a leaking water line—including a leaking automatic fire sprinkler head—or under a line on which water has condensed.

(7) Under an open stairwell.

(8) Under another source of contamination.

(f) *Limited exception for a locker room.* Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

**§ 46.775. Handling clean items.**

(a) *Kitchenware and tableware.*

(1) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed and dispensed so that contamination of food- and lip-contact surfaces is prevented.

(2) Knives, forks and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(3) Except as specified in paragraph (2), single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(b) *Preset tableware.* If tableware is preset, it shall be protected from contamination by being wrapped, covered or inverted. Exposed, unused settings shall be either removed when a consumer is seated, or cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

(c) *Soiled and clean tableware.* Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

### Subchapter E. WATER, PLUMBING AND WASTE

#### WATER

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#### WATER

##### § 46.801. Sources of drinking water.

Drinking water shall be obtained from an approved source that is either of the following:

- (1) A public water system.
- (2) A nonpublic water system that is constructed, maintained and operated in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water). For the purpose of approval of a nonpublic water system that serves a food facility, a nonpublic water system shall be required to conform to the construction, maintenance and operation requirements established for a transient noncommunity water system as defined in 25 Pa. Code Chapter 109.

##### § 46.802. Drinking water system flushing and disinfection.

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

##### § 46.803. Bottled drinking water.

Bottled drinking water used or sold in a food facility shall be obtained from approved sources in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water).

##### § 46.804. Quality of water.

(a) *Standards for drinking water.* Except as specified in subsection (b), water obtained from either a public water system or a nonpublic water system for use in a food facility shall meet the quality standards for public drinking water established in 25 Pa. Code Chapter 109 (relating to safe drinking water).

(b) *Nondrinking water.*

(1) A nondrinking water supply shall be used only if approved by the Department.

(2) Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection and irrigation.

(c) *Sampling of water from nonpublic water systems.* Except when used as nondrinking water as specified in subsection (b), water from a nonpublic water system shall be sampled and tested for contamination at the same frequency and for the same contaminants as established in 25 Pa. Code Chapter 109 for a transient noncommunity public water system that serves 25 people daily. All analytical work must be performed in accordance with 25 Pa. Code Chapter 109.

(d) *Sample report for nonpublic water system to be retained at food facility.* If a food facility receives all of its drinking water from a nonpublic water system, the results from all required self-monitoring samples collected during the previous 12 months or, if less frequent than annual monitoring is approved by the Department for the facility, the most recent sample report for the nonpublic water system shall be retained on file in the food facility. Food facilities that use a Department of Environmental Protection approved self-contained public water system shall maintain test result records in accordance with 25 Pa. Code Chapter 109.

##### § 46.805. Quantity and availability of water: capacity and pressure.

(a) *Capacity.*

(1) The water source and system shall be of sufficient capacity to meet the peak water demands of the food facility.

(2) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food facility.

(b) *Pressure.* Water under pressure shall be provided to all fixtures, equipment and nonfood equipment that are required to use water except that water supplied as specified in § 46.806(b)(1) and (2) (relating to distribution, delivery and retention of water) to a temporary food facility or in response to a temporary interruption of a water supply need not be under pressure.

##### § 46.806. Distribution, delivery and retention of water.

(a) *Delivery system.* Water shall be received from the source through the use of one or more of the following:

(1) A properly constructed and maintained service connection or lateral from a public water system that is

approved by the Department of Environmental Protection in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water).

(2) One or more of the following that shall be constructed, maintained and operated in accordance with 25 Pa. Code Chapter 109:

(i) Nonpublic water main, water pumps, pipes, hoses, connections and other appurtenances.

(ii) Water transport vehicles.

(iii) Water containers.

(b) *Alternative water supply.* Water meeting the applicable requirements in §§ 46.801—46.805 and subsection (a) shall be made available for a mobile facility, for a temporary food facility without a permanent water supply, and for a food facility with a temporary interruption of its water supply through one or more of the following sources:

(1) A supply of containers of commercially bottled drinking water.

(2) One or more closed portable water containers.

(3) An enclosed vehicular water tank.

(4) An on-premises water storage tank.

(5) Piping, tubing or hoses connected to an adjacent approved source.

#### PLUMBING SYSTEM

##### § 46.821. Approved materials to be used in plumbing systems.

(a) *Approved materials required.* A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to the Pennsylvania Construction Code Act.

(b) *Safe materials for water filters.* A water filter shall be made of safe materials.

##### § 46.822. Design, construction and installation of plumbing systems.

(a) *Approved system and cleanable fixtures.*

(1) A plumbing system shall be designed, constructed and installed according to the Pennsylvania Construction Code Act.

(2) A plumbing fixture such as a handwashing facility, toilet for urinal shall be easily cleanable.

(b) *Handwashing facility: installation.*

(1) A handwashing lavatory shall be equipped to provide water at a temperature of at least 32°C (90°F) through a mixing valve or combination faucet.

(2) A steam mixing valve may not be used at a handwashing lavatory.

(3) A self-closing, slow-closing or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(4) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(c) *Air gap requirement for backflow prevention.* An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).

(d) *Design standard for backflow prevention device.* A backflow or backsiphonage prevention device installed on

a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection and testing for that specific application and type of device.

(e) *Design of conditioning device.* A water filter, screen and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

##### § 46.823. Numbers and capacities of plumbing facilities.

(a) *Handwashing facilities.*

(1) Except as specified in paragraphs (2) and (3), at least one handwashing lavatory—and a number of handwashing lavatories necessary for their convenient use by employees in areas specified in § 46.824(a) (relating to location and placement of plumbing facilities) shall be provided.

(2) If approved by the Department and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing lavatories in a food facility that has at least one handwashing lavatory.

(3) If approved by the Department, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food facilities or at some vending machine locations, employees may use chemically treated towelettes for handwashing.

(b) *Toilets and urinals.* At least one toilet and not fewer than the toilets (and urinals, if used) required by the Department or the Department of Labor and Industry shall be provided.

(c) *Utility sink.* At least one utility sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

(d) *Backflow prevention device: when required.* A plumbing system shall be installed to preclude backflow of a solid, liquid or gas contaminant into the water supply system at each point of use at the food facility, including on a hose bib if a hose is attached, or on a hose bib if a hose is not attached and backflow prevention is required by 25 Pa. Code Chapter 109 (relating to safe drinking water), by doing either of the following:

(1) Providing an air gap as specified in § 46.822(c) (relating to design, construction and installation of plumbing systems).

(2) Installing an approved backflow prevention device as specified in § 46.822(d).

##### § 46.824. Location and placement of plumbing facilities.

(a) *Handwashing facilities.* A handwashing facility shall be located as follows:

(1) In food preparation, food dispensing and warewashing areas to allow convenient use by employees.

(2) In, or immediately adjacent to, toilet rooms.

(b) *Location of backflow prevention device.* A backflow prevention device shall be located so that it may be serviced and maintained.

(c) *Location of conditioning device.* A water filter, screen and other water-conditioning device installed on

water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

**§ 46.825. Operation and maintenance of plumbing facilities.**

(a) *Using a handwashing facility.*

(1) A handwashing facility shall be maintained so that it is accessible at all times for employee use.

(2) A handwashing facility may not be used for purposes other than handwashing.

(3) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.

(b) *Cross connection prohibited.*

(1) Except for firefighting, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(2) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

(c) *Scheduling inspection and service for a water system device.* A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.

(d) *Cleaning the water reservoir of water devices such as fogging devices.*

(1) A reservoir that is used to supply water to a device such as a produce fogger shall be both of the following:

(i) Maintained in accordance with manufacturer's specifications.

(ii) Cleaned in accordance with manufacturer's specifications or according to the procedures specified in paragraph (2), whichever is more stringent.

(2) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

(i) Draining and complete disassembly of the water and aerosol contact parts.

(ii) Brush-cleaning the reservoir, aerosol tubing and discharge nozzles with a suitable detergent solution.

(iii) Flushing the complete system with water to remove the detergent solution and particulate accumulation.

(iv) Rinsing by immersing, spraying or swabbing the reservoir, aerosol tubing and discharge nozzles with at least 50 mg/L (ppm) hypochlorite solution.

(e) *System maintained in good repair.* A plumbing system shall be repaired according to the Pennsylvania Construction Code Act, and shall be maintained in good repair.

**MOBILE WATER TANK AND MOBILE FOOD FACILITY WATER TANK**

**§ 46.841. Materials used in construction of mobile water tanks and mobile food facility water tanks.**

Materials that are used in the construction of a mobile water tank, mobile food facility water tank and appurtenances shall be the following:

(1) Safe.

(2) Durable, corrosion-resistant and nonabsorbent.

(3) Finished to have a smooth, easily cleanable surface.

**§ 46.842. Design and construction of mobile water tanks and mobile food facility water tanks.**

(a) *Requirement: enclosed system sloped to drain.* A mobile water tank shall be the following:

(1) Enclosed from the filling inlet to the discharge outlet.

(2) Sloped to an outlet that allows complete drainage of the tank.

(b) *Requirement: inspection and cleaning port protected and secured.* If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and both of the following:

(1) Flanged upward at least 13 mm (1/2 inch).

(2) Equipped with a port cover assembly that is both of the following:

(i) Provided with a gasket and a device for securing the cover in place.

(ii) Flanged to overlap the opening and sloped to drain.

(c) *"V" type threads: use limitation.* A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(d) *Requirement: tank vent protected.* If provided, a water tank vent shall terminate in a downward direction and shall be covered with the following, as applicable:

(1) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area.

(2) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(e) *Requirement: inlet and outlet sloped to drain.* A water tank and its inlet and outlet shall be sloped to drain, and a water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil or grease.

(f) *Hose: construction and identification.* A hose used for conveying drinking water from a water tank shall be all of the following:

(1) Safe.

(2) Durable, corrosion-resistant and nonabsorbent.

(3) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

(4) Finished with a smooth interior surface.

(5) Clearly and durably identified as to its use if not permanently attached.

**§ 46.843. Numbers and capacities of mobile water tanks and mobile food facility water tanks.**

(a) *Filter requirement where compressed air pressurizes the water tank system.* A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

(b) *Protective cover or device.* A cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device shall be provided for a water inlet, outlet and hose.

(c) *Mobile food facility tank inlet.* A mobile food facility's water tank inlet shall be both of the following:

(1) 19.1 mm (3/4 inch) in inner diameter or less.



(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

**§ 46.844. Operation and maintenance of mobile water tanks and mobile food facility water tanks.**

(a) *System flushing and disinfection.* A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification and periods of nonuse.

(b) *Preventing backflow while using a pump and hoses.* A person shall operate a water tank, pump and hoses so that backflow and other contamination of the water supply are prevented.

(c) *Protecting inlet, outlet and hose fitting.* If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified in § 46.843(b) (relating to numbers and capacities of mobile water tanks and mobile food facility water tanks).

(d) *Tank, pump and hoses, dedication.* A water tank, pump and hoses used for conveying drinking water shall be used for no other purpose, except that water tanks, pumps and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

**SEWAGE, OTHER LIQUID WASTE AND RAINWATER**

**§ 46.861. Capacity and drainage of a sewage holding tank in a mobile food facility.**

A sewage holding tank in a mobile food facility shall be both of the following:

- (1) Sized 15 % larger in capacity than the water supply tank.
- (2) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

**§ 46.862. Retention, drainage and delivery of sewage, other liquid waste and rainwater.**

(a) *Facility drainage system.* Food facility drainage systems, including grease traps, that convey sewage shall be designed and installed as specified in § 46.822(a) (relating to design, construction and installation of plumbing systems).

(b) *Backflow prevention.*

(1) Except as specified in paragraphs (2) and (3), a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment or utensils are placed.

(2) If allowed under the Pennsylvania Construction Code Act, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(3) If allowed under the Pennsylvania Construction Code Act, a warewashing or culinary sink may have a direct connection.

(c) *Grease trap.* If used, a grease trap shall be located to be easily accessible for cleaning.

(d) *Conveying sewage.* Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses and

connections that are constructed, maintained and operated according to the Pennsylvania Construction Code Act.

(e) *Removing mobile food facility wastes.* Sewage and other liquid wastes shall be removed from a mobile food facility at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(f) *Flushing a waste retention tank.* A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

**§ 46.863. Disposal of sewage and nonsewage.**

(a) *Disposal of sewage.* Sewage shall be disposed through an approved facility that is either of the following:

- (1) A public sewage treatment plant.
- (2) An individual sewage disposal system that is sized, constructed, maintained, and operated according to the Pennsylvania Construction Code Act.

(b) *Other liquid wastes and rainwater.* Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to the Pennsylvania Construction Code Act.

**REFUSE, RECYCLABLES AND RETURNABLES**

**§ 46.881. Storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation.**

(a) *Indoor storage area.* If located within the food facility, a storage area for refuse, recyclables and returnables shall meet the requirements specified in §§ 46.901, 46.921 and 46.922(e) and (f) (relating to indoor areas of food facilities; surface characteristics; cleanability of floors, walls and ceilings; and functionality of various physical features of a food facility).

(b) *Outdoor storage surface.* An outdoor storage surface for refuse, recyclables and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable and sloped to drain.

(c) *Outdoor enclosure.* If used, an outdoor enclosure for refuse, recyclables and returnables shall be constructed of durable and cleanable materials.

(d) *Receptacles.* Receptacles and waste handling units for refuse, recyclables and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof and nonabsorbent. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food facility, or within closed outside receptacles.

(e) *Receptacles in vending machines.* A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

(f) *Outside receptacles.*

(1) Receptacles and waste handling units for refuse, recyclables and returnables used with materials containing food residue and used outside the food facility shall be designed and constructed to have tight-fitting lids, doors or covers.

(2) Receptacles and waste handling units for refuse and recyclables such as an onsite compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective

cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

**§ 46.882. Storage areas and receptacles for refuse, recyclables and returnables: numbers and capacities.**

(a) *Storage areas, rooms and receptacles: capacity and availability.*

(1) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables and returnables that accumulate.

(2) A receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(3) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

(b) *Toilet room receptacle for sanitary napkins.* A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(c) *Cleaning implements and supplies.* Suitable cleaning implements and supplies (such as high-pressure pumps, hot water, steam and detergent) shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables and returnables, except that approved off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

**§ 46.883. Location of storage areas, redeeming machines, receptacles and waste handling units.**

(a) *General requirement.* An area designated for refuse, recyclables, returnables and—except as specified in subsection (b)—a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

(b) *Redeeming machine.* A redeeming machine may be located in the packaged food storage area or consumer area of a food facility if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

(c) *Receptacles.* The location of receptacles and waste handling units for refuse, recyclables and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

**§ 46.884. Operation and maintenance of storage areas, redeeming machines, receptacles and waste handling units.**

(a) *Storing refuse, recyclables and returnables.* Refuse, recyclables and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(b) *Keeping areas, enclosures and receptacles in good repair.* Storage areas, enclosures and receptacles for refuse, recyclables and returnables shall be maintained in good repair.

(c) *Outside storage prohibitions.*

(1) Except as specified in paragraph (2), refuse receptacles not meeting the requirements specified in § 46.881(d) (relating to storage areas and receptacles for

refuse, recyclables and returnables: materials, design, construction and installation) (such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue) may not be stored outside.

(2) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(d) *Covering receptacles.* Receptacles and waste handling units for refuse, recyclables and returnables shall be kept covered as follows:

(1) Inside the food facility if the receptacles and units are filled or contain food residue and are not in continuous use.

(2) With tight-fitting lids or doors if kept outside the food facility.

(e) *Using drain plugs.* Drains in receptacles and waste handling units for refuse, recyclables and returnables shall have drain plugs in place.

(f) *Maintaining refuse areas and enclosures.* A storage area and enclosure for refuse, recyclables or returnables shall be maintained free of unnecessary items, as specified in § 46.981(n) (relating to premises, structures, attachments and fixtures: methods), and clean.

(g) *Cleaning receptacles.*

(1) Receptacles and waste handling units for refuse, recyclables and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified in § 46.862(e) (relating to retention, drainage and delivery of sewage, other liquid waste and rainwater).

(2) Soiled receptacles and waste handling units for refuse, recyclables and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

**§ 46.885. Removal of refuse, recyclable and returnables.**

(a) *Frequency.* Refuse, recyclables and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(b) *Receptacles or vehicles.* Refuse, recyclables and returnables shall be removed from the premises by way of either of the following:

(1) Portable receptacles adequately constructed and maintained to contain the refuse, recyclables or returnables placed therein.

(2) A transport vehicle adequately constructed and maintained to contain the refuse, recyclables or returnables transported therein.

**§ 46.886. Facilities for disposal and recycling refuse, recyclables and returnables.**

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be dis-

posed of in an individual refuse facility such as a lawfully-operated landfill or incinerator.

**Subchapter F. PHYSICAL FACILITIES**

**MATERIALS FOR CONSTRUCTION AND REPAIR**

- Sec.
- 46.901. Indoor areas of food facilities: surface characteristics.
- 46.902. Outdoor areas of food facilities: surface characteristics.

**DESIGN, CONSTRUCTION AND INSTALLATION**

- 46.921. Cleanability of floors, walls and ceilings.
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**NUMBERS AND CAPACITIES**

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- 46.961. Handwashing facilities: located for convenience.
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- 46.982. Limitations on animals.

**MATERIALS FOR CONSTRUCTION AND REPAIR**

**§ 46.901. Indoor areas of food facilities: surface characteristics.**

(a) *General requirement.* Except as specified in subsection (b), materials for indoor floor, wall and ceiling surfaces of a food facility under conditions of normal use shall be all of the following:

- (1) Smooth, durable and easily cleanable for areas where food facility operations are conducted.
- (2) Closely woven and easily cleanable carpet for carpeted areas.
- (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food facility servicing areas, and areas subject to flushing or spray cleaning methods.

(b) *Exception for a temporary food facility.*

(1) If graded to drain, a floor in a temporary food facility may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.

(2) Walls and ceilings in a temporary food facility shall be constructed of a material that protects the interior from the weather and windblown dust and debris.

**§ 46.902. Outdoor areas of food facilities: surface characteristics.**

(a) *Walking and driving areas.* The outdoor walking and driving areas of a food facility shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

(b) *Exterior surfaces.* Exterior surfaces of food facility buildings and mobile food facilities shall be of weather-resistant materials and shall comply with the Pennsylvania Construction Code Act.

(c) *Certain outdoor storage areas.* Outdoor storage areas of a food facility used for storing refuse, recyclables or returnables shall be of materials specified in § 46.525(b) and (c) (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation).

**DESIGN, CONSTRUCTION AND INSTALLATION**

**§ 46.921. Cleanability of floors, walls and ceilings.**

(a) *General requirement.* Except as specified in subsection (d), the floors, floor coverings, walls, wall coverings and ceilings of a food facility shall be designed, constructed and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.

(b) *Utility lines.*

(1) Utility service lines and pipes in a food facility may not be unnecessarily exposed.

(2) Exposed utility service lines and pipes in a food facility shall be installed so they do not obstruct or prevent cleaning of the floors, walls or ceilings.

(3) Exposed horizontal utility service lines and pipes in a food facility may not be installed on the floor.

(c) *Floor and wall junctures: coved, and enclosed or sealed.*

(1) In food facilities in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (1/32 inch).

(2) The floors in food facilities in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

(d) *Floor carpeting: restrictions and installation.*

(1) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing or spray cleaning methods.

(2) If carpeting is installed as a floor covering in areas other than those specified in paragraph (1), it shall be both of the following:

(i) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method.

(ii) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(e) *Floor covering: mats and duckboards.* Mats and duckboards in a food facility shall be designed to be removable and easily cleanable.

(f) *Wall and ceiling coverings and coatings.*

(1) Wall and ceiling covering materials in a food facility shall be attached so that they are easily cleanable.

(2) Except in areas used only for dry storage, concrete, porous blocks or bricks used for indoor wall construction in a food facility shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(g) *Attachments to walls and ceilings.* Attachments to walls and ceilings (such as light fixtures, mechanical

room ventilation system components, vent covers, wall mounted fans, decorative items and other attachments) in a food facility shall be easily cleanable, except that in a consumer area of a food facility, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(h) *Studs, joists and rafters in walls and ceilings.* Studs, joists and rafters in a food facility may not be exposed in areas subject to moisture. This requirement does not apply to temporary food facilities.

**§ 46.922. Functionality of various physical facilities of a food facility.**

(a) *Light bulbs: protective shielding.*

(1) Except as specified in paragraph (2), light bulbs in use in a food facility shall be shielded, coated or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils and linens; or unwrapped single-service and single-use articles.

(2) Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if both of the following are accurate:

(i) The integrity of the packages can not be affected by broken glass falling onto them.

(ii) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(3) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(b) *Heating, ventilating and air conditioning system vents.* Heating, ventilating and air conditioning systems in a food facility shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment or utensils.

(c) *Design and installation of insect control devices.*

(1) Insect control devices that are used in a food facility to electrocute or stun flying insects shall be designed to retain the insect within the device.

(2) Insect control devices shall be installed so that they meet the following requirements:

(i) The devices are not located over a food preparation area.

(ii) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

(d) *Toilet rooms shall be enclosed.* A toilet room located on the premises of a food facility shall be completely enclosed and provided with a tight-fitting and self-closing door. This requirement does not apply to a toilet room that is located outside a food facility and does not open directly into the food facility (such as a toilet room that is provided by the management of a shopping mall).

(e) *Outer openings shall be protected.*

(1) Except as specified in paragraphs (2)–(5), outer openings of a food facility shall be protected against the entry of insects and rodents by use of the following:

(i) Filling or closing holes and other gaps along floors, walls and ceilings.

(ii) Having closed, tight-fitting windows.

(iii) Having solid, self-closing, tight-fitting doors.

(2) Paragraph (1) does not apply if a food facility opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(3) Exterior doors used as exits need not be self-closing if they are all of the following:

(i) Solid and tight-fitting;

(ii) Designated for use only when an emergency exists.

(iii) Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(4) Except as specified in paragraphs (2) and (5), if the windows or doors of a food facility, or of a larger structure within which a food facility is located, are kept open for ventilation or other purposes or a temporary food facility is not provided with windows and doors as specified in paragraph (1), the openings shall be protected against the entry of insects and rodents by one or more of the following:

(i) 16 mesh to 25.4mm (16 mesh to 1 inch) screens.

(ii) Properly designed and installed air curtains.

(iii) Other effective means.

(5) Paragraph (4) does not apply if flying insects and other pests are absent due to the location of the facility, the weather or other limiting condition.

(f) *Exterior walls and roofs: protective barrier.* Perimeter walls and roofs of a food facility shall effectively protect the facility from the weather and the entry of insects, rodents and other animals.

(g) *Outdoor food vending areas, overhead protection.* If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.

(h) *Outdoor servicing areas: overhead protection.* Servicing areas of a food facility shall be provided with overhead protection. However, if the area is used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, the area need not be provided with overhead protection.

(i) *Outdoor walking and driving surfaces: graded to drain.* Exterior walking and driving surfaces of a food facility shall be graded to drain.

(j) *Outdoor refuse areas: curbed and graded to drain.* Outdoor refuse areas shall be constructed in accordance with the Pennsylvania Construction Code Act and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(k) *Living or sleeping quarters, use prohibition.* A room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food facility operations.

(l) *Living or sleeping quarters: separation.* Living or sleeping quarters located on the premises of a food facility such as those provided for lodging registration clerks or resident managers shall be separated from rooms and

areas used for food facility operations by complete partitioning and solid self-closing doors.

#### NUMBERS AND CAPACITIES

##### § 46.941. Handwashing facilities: numbers and capacities.

(a) *Minimum number.* Handwashing facilities shall be provided in a food facility as specified in § 46.823(a) (relating to numbers and capacities of plumbing facilities).

(b) *Availability of handwashing cleanser.* Each handwashing lavatory or group of two adjacent lavatories shall be provided with a supply of hand cleaning liquid, powder or bar soap.

(c) *Availability of hand drying.* Each handwashing lavatory or group of adjacent lavatories shall be provided with one or more of the following:

- (1) Individual, disposable towels.
- (2) A continuous towel system that supplies the user with a clean towel.
- (3) A heated-air hand drying device.

(d) *Restrictions on use of handwashing aids and devices.* A sink used for food preparation or utensil washing, or a utility sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified in subsections (b) and (c) and § 46.882(a)(3) (relating to storage areas and receptacles for refuse, recyclables and returnables: numbers and capacities).

(e) *Handwashing signage.* A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing lavatories used by food employees and shall be clearly visible to food employees.

(f) *Disposable towels, waste receptacle.* A handwashing lavatory or group of adjacent lavatories that is provided with disposable towels shall be provided with a waste receptacle as specified in § 46.882(a)(3).

##### § 46.942. Toilets and urinals: numbers and capacities.

(a) *Minimum number.* Toilets and urinals shall be provided in a food facility as specified in § 46.823(b) (relating to numbers and capacities of plumbing facilities).

(b) *Availability of toilet tissue.* A supply of toilet tissue shall be available at each toilet.

##### § 46.943. Lighting: intensity.

The light intensity in a food facility shall be all of the following:

- (1) At least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning.
- (2) At least 220 lux (20 foot candles) at each of the following locations:
  - (i) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption.
  - (ii) Inside equipment such as reach-in and under-counter refrigerators.

(iii) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

(3) At least 540 lux (50 foot candles) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders or saws where employee safety is a factor.

##### § 46.944. Mechanical ventilation as needed.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes in a food facility, mechanical ventilation of sufficient capacity shall be provided.

##### § 46.945. Requirement and designation of dressing areas and storage areas.

(a) *Designation.* Dressing rooms or dressing areas shall be designated in a food facility if employees routinely change their clothes in that facility.

(b) *Storage of employees' clothing and possessions.* Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

##### § 46.946. Utility sinks.

A utility sink or curbed cleaning facility shall be provided as specified in § 46.823(c) (relating to numbers and capacities of plumbing facilities).

#### LOCATION AND PLACEMENT

##### § 46.961. Handwashing facilities: located for convenience.

Handwashing facilities in a food facility shall be conveniently located as specified in § 46.824(a) (relating to location and placement of plumbing facilities).

##### § 46.962. Toilet rooms: located for convenience.

Toilet rooms in a food facility shall be conveniently located and accessible to employees during all hours of operation.

##### § 46.963. Employee accommodations: located to prevent contamination.

(a) *Designated eating, drinking and smoking areas.* Areas designated for employees to eat, drink and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

(b) *Lockers and other facilities.* Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

##### § 46.964. Distressed merchandise: segregated.

Products that are held by the food facility operator for credit, redemption or return to the distributor; such as damaged, spoiled or recalled products, shall be segregated and held in designated areas that are separate from food, equipment, utensils, linens, and single-service and single-use articles.

##### § 46.965. Refuse, recyclables and returnables: receptacles, waste handling units and designated storage areas.

Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified in § 46.883 (relating to location of storage areas, redeeming machines, receptacles and waste handling units)

**MAINTENANCE AND OPERATION****§ 46.981. Premises, structures, attachments and fixtures: methods.**

(a) *General requirement.* The physical facilities of a food facility shall be maintained in good repair.

(b) *Cleaning: frequency and restrictions.*

(1) The physical facilities of a food facility shall be cleaned as often as necessary to keep them clean.

(2) Cleaning shall be done during periods when the least amount of food is exposed such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(c) *Cleaning floors by dustless methods.*

(1) Except as specified in paragraph (2), only dustless methods of cleaning shall be used (such as wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust-arresting compounds).

(2) Spills or drippage on floors that occur between normal floor cleaning times shall be cleaned as follows:

(i) Without the use of dust-arresting compounds.

(ii) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

(d) *Cleaning ventilation systems without causing contamination, health hazard or nuisance.*

(1) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt and other materials.

(2) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

(e) *Preventing contamination by cleaning maintenance tools.* Food preparation sinks, handwashing lavatories and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials or the disposal of mop water and similar liquid wastes.

(f) *Drying mops.* After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment or supplies.

(g) *Absorbent materials on floors: use limitation.* Except as specified in subsection (c)(2), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth or similar materials may not be used on floors.

(h) *Maintaining and using handwashing facilities.* Handwashing facilities shall be kept clean, and maintained and used as specified in § 46.825(a) (relating to operation and maintenance of plumbing facilities).

(i) *Closing toilet room doors.* Toilet room doors as specified in § 46.922(d) (relating to functionality of various physical facilities at a food facility) shall be kept closed except during cleaning and maintenance operations.

(j) *Using dressing rooms and lockers.* Dressing rooms shall be used by employees if the employees regularly change their clothes in the facility. Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(k) *Controlling pests.* The presence of insects, rodents and other pests shall be controlled to minimize their presence on the premises by all of the following:

(1) Routinely inspecting incoming shipments of food and supplies.

(2) Routinely inspecting the premises for evidence of pests.

(3) Using methods, if pests are found, such as trapping devices or other means of pest control as specified in § 46.1026(b) and (c) (relating to pesticides).

(4) Eliminating harborage conditions.

(l) *Removing dead or trapped birds, insects, rodents and other pests.* Dead or trapped birds, insects, rodents and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition or the attraction of pests.

(m) *Storing maintenance tools.* Maintenance tools (such as brooms, mops, vacuum cleaners and similar items) shall be stored so that they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles, and in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(n) *Removing unnecessary items and litter from the premises.* The premises of a food facility shall be free of items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used, and litter.

**§ 46.982. Limitations on animals.**

(a) *General.* Live animals may not be allowed on the premises of a food facility, unless under an exception specified in subsection (b).

(b) *Exceptions.*

(1) Live animals may be allowed in any of the following situations if the contamination of food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles can not result:

(i) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.

(ii) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.

(iii) Service animals that are controlled by the disabled employee or person, in areas that are not used for food preparation and that are usually open for customers (such as dining and sales areas), if a health or safety hazard will not result from the presence or activities of the service animal.

(iv) Pets in the common dining areas of group residences at times other than during meals if all of the following are accurate:

(A) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas.

(B) Condiments, equipment and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present.

(C) Dining areas including tables, countertops and similar surfaces are effectively cleaned before the next meal service.

(v) Caged animals or animals that are similarly restricted, in areas that are not used for food preparation, storage, sales, display or dining, such as in a variety store that sells pets or a tourist park that displays animals.

(2) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils and linens; and unwrapped single-service and single-use articles cannot result.

**Subchapter G. POISONOUS OR TOXIC MATERIALS**

**LABELING AND IDENTIFICATION**

- Sec.  
 46.1001. Poisonous or toxic substances: original containers to display identifying information.  
 46.1002. Poisonous or toxic substances: working containers labeled with common name.

**OPERATIONAL SUPPLIES AND APPLICATIONS**

- 46.1021. Poisonous or toxic substances: storage.  
 46.1022. Poisonous or toxic substances: limitations on presence and use.  
 46.1023. Prohibition of use of poisonous or toxic material containers to store food.  
 46.1024. Chemicals: use criteria.  
 46.1025. Lubricants that have incidental contact with food: criteria.  
 46.1026. Pesticides.  
 46.1027. Medicines.  
 46.1028. First aid supplies: storage.  
 46.1029. Other personal care items: storage.

**STOCK AND RETAIL SALE**

- 46.1041. Storage and display: separation of poisonous or toxic materials from food.

**LABELING AND IDENTIFICATION**

**§ 46.1001. Poisonous or toxic substances: original containers to display identifying information.**

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

**§ 46.1002. Poisonous or toxic substances: working containers labeled with common name.**

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

**OPERATIONAL SUPPLIES AND APPLICATIONS**

**§ 46.1021. Poisonous or toxic substances: storage.**

Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by taking both of the following measures:

- (1) Separating the poisonous or toxic materials by spacing or partitioning.
- (2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

**§ 46.1022. Poisonous or toxic substances: limitations on presence and use.**

(a) *Restriction.* Only those poisonous or toxic materials that are required for the operation and maintenance of a food facility, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food facility. This section does not apply to packaged poisonous or toxic materials that are for retail sale.

(b) *Conditions of use.* Poisonous or toxic materials shall be used in a lawful manner according to the following:

(1) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food facility.

(2) The conditions of certification, if certification is required, for use of the pest control materials.

(3) Additional conditions that may be established by the Department.

(c) *Conditions of application.* Poisonous or toxic materials shall be applied so that the following are accurate:

(1) A hazard to employees or other persons is not constituted.

(2) Contamination (including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles) is prevented, and for a restricted-use pesticide, this is achieved by doing all of the following:

- (i) Removing the items.
- (ii) Covering the items with impermeable covers, or taking other appropriate preventive actions.
- (iii) Cleaning and sanitizing equipment and utensils after the application.

(d) *Applicator.* A restricted use pesticide shall be applied only by an applicator certified in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61) or a person under the direct supervision of a certified applicator.

**§ 46.1023. Prohibition of use of poisonous or toxic material containers to store food.**

A container previously used to store poisonous or toxic materials may not be used to store, transport or dispense food.

**§ 46.1024. Chemicals: use criteria.**

(a) *Sanitizers.* Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010 (relating to sanitizing solutions).

(b) *Chemicals for washing fruits and vegetables.* Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 (relating to chemicals used in washing or to assist in the lye peeling of fruits and vegetables).

(c) *Boiler water additives.* Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 (relating to boiler water additives).

(d) *Drying agents.*

(1) Drying agents used in conjunction with sanitization shall contain only components that are listed as one or more of the following:

- (i) Generally recognized as safe for use in food as specified in 21 CFR 182 (relating to substances generally recognized as safe), or 21 CFR 184 (relating to direct food substances affirmed as generally recognized as safe).
- (ii) Generally recognized as safe for the intended use as specified in 21 CFR 186 (relating to indirect food substances affirmed as generally recognized as safe).
- (iii) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 (relating to prior-sanctioned food ingredients).
- (iv) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 175—178 (relating to indirect food additives).

(v) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 (relating to threshold of regulation for substances used in food-contact articles).

(2) When sanitization is with chemicals, the approval required in paragraph (1)(iii) or (v), or the regulation as an indirect food additive required in paragraph (1)(iv), shall be specifically for use with chemical sanitizing solutions.

**§ 46.1025. Lubricants that have incidental contact with food: criteria.**

Lubricants shall meet the requirements specified in 21 CFR 178.3570 (relating to lubricants with incidental food contact) if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

**§ 46.1026. Pesticides.**

(a) *Restricted use pesticides: criteria.* Restricted use pesticides specified in § 46.1022(d) (relating to poisonous or toxic substances: limitations on presence and use) shall meet the requirements of a restricted use pesticide as specified in § 128.2 (relating to definitions). This section requires restricted use pesticides be one of the following:

(1) Classified for restricted use under section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136(d)).

(2) A pesticide designated by the Secretary for restricted use under section 7(b)(6) of the Pennsylvania Pesticide Control Act of 1973 (3 P. S. § 111.27(b)(6)).

(b) *Rodent bait stations.* Rodent bait shall be contained in a covered, tamper-resistant bait station.

(c) *Tracking powders: pesticides and nontoxics.* A tracking powder pesticide may not be used in a food facility. A nontoxic tracking powder (such as talcum or flour) may be used in a food facility if it will not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

**§ 46.1027. Medicines.**

(a) *Restriction and storage.*

(1) Only those medicines that are necessary for the health of employees shall be allowed in a food facility. This section does not apply to medicines that are stored or displayed for retail sale.

(2) Medicines that are in a food facility for the employees' use shall be labeled as specified in § 46.1001 (relating to poisonous or toxic substances: original containers to display identifying information) and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(b) *Refrigerated medicines: storage.* Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be in compliance with the following:

(1) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.

(2) Located so they are inaccessible to children.

**§ 46.1028. First aid supplies: storage.**

First aid supplies that are in a food facility for the employees' use shall be both of the following:

(1) Labeled as specified in § 46.1001 (relating to poisonous or toxic substances: original containers to display identifying information).

(2) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils and linens, and single-service and single-use articles.

**§ 46.1029. Other personal care items: storage.**

Except as specified in § 46.1027(b) and 46.1028 (relating to medicines; and first aid supplies: storage), employees shall store their personal care items in facilities as specified in § 46.945(b) (relating to requirement and designation of dressing areas and storage areas).

**STOCK AND RETAIL SALE**

**§ 46.1041. Storage and display: separation of poisonous or toxic materials from food.**

Poisonous or toxic materials shall be stored and displayed for retail sale so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by one or both of the following:

(1) Separating the poisonous or toxic materials by spacing or partitioning.

(2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

**Subchapter H. ADMINISTRATIVE PROCEDURES**

**CHAPTER APPLICABILITY**

- Sec.  
46.1101. Application for intended purpose: public health protection.  
46.1102. Access to food facilities.  
46.1103. Variances.

**PLAN SUBMISSION AND APPROVAL**

- 46.1121. Facility and operating plans.  
46.1122. HACCP plans.  
46.1123. Confidentiality of trade secrets.  
46.1124. Preoperational inspection of construction.

**REQUIREMENTS FOR OPERATION**

- 46.1141. Requirement: permit, license or registration.  
46.1142. Application procedure for appropriate permit, license or registration.  
46.1143. Issuance.  
46.1144. Conditions of retention: responsibilities of the food facility operator.

**CHAPTER APPLICABILITY**

**§ 46.1101. Application for intended purpose: public health protection.**

The Department will apply this chapter to promote its underlying purpose—as specified in § 46.1 (relating to purpose)—of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented when offered to the consumer.

**§ 46.1102. Access to food facilities.**

After the Secretary presents credentials, the person in charge shall allow the Secretary to determine if the food facility is in compliance with this chapter by allowing access to the facility, allowing inspection, and providing information and records specified in this chapter and to which the Secretary is entitled under the Public Eating and Drinking Place Law, the act and any other relevant statutory or regulatory authority, during the food facility's hours of operation and other reasonable times.

**§ 46.1103. Variances.**

(a) *Modifications and waivers.* The Department may grant a variance by modifying or waiving the requirements of this chapter if—in the opinion of the Depart-



ment—a health hazard will not result from the variance. If a variance is granted, the Department will retain the information specified in subsection (b) in its records for the food facility.

(b) *Documentation of proposed variance and justification.* Before a variance from a requirement of this chapter is approved, the information that shall be provided by the person requesting the variance and retained in the Department's file on the food facility includes the following:

(1) A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers.

(2) An analysis of the rationale for how the potential public health hazards addressed by the relevant chapter sections will be alternatively addressed by the proposal.

(3) A HACCP plan—if required as specified in § 46.1122(a)(1) (relating to HACCP plans)—that includes the information specified in § 46.1122(b) as it is relevant to the variance requested.

(c) *Conformance with approved procedures.* If the Department grants a variance as specified in subsection (a), or a HACCP plan is otherwise required as specified in § 46.1122(a), the food facility operator shall do the following:

(1) Comply with the HACCP plans and procedures that are submitted as specified in § 46.1122(b) and approved as a basis for the modification or waiver.

(2) Maintain and provide to the Department, upon request, records specified in § 46.1122(b)(4) and (5) that demonstrate that the following are routinely employed:

- (i) Procedures for monitoring critical control points.
- (ii) Monitoring of the critical control points.
- (iii) Verification of the effectiveness of an operation or process.
- (iv) Necessary corrective actions if there is failure at a critical control point.

#### PLAN SUBMISSION AND APPROVAL

##### § 46.1121. Facility and operating plans.

(a) *When plans are required.* A food facility licensing applicant or food facility operator required by the Public Eating and Drinking Place Law to have plans and specifications reviewed by the Department will submit these properly prepared plans and specifications (as described in subsection (b)) to the Department for review and approval before any of the following:

- (1) The construction of a food facility.
- (2) The conversion of an existing structure for use as a food facility.
- (3) The remodeling of a food facility or a change of type of food facility or food operation if the Department determines that plans and specifications are necessary to ensure compliance with this chapter.

(b) *Contents of the plans and specifications.* The plans and specifications for a food facility, including a food facility specified in § 46.1122(a) (relating to HACCP plans), shall include (as required by the Department based on the type of operation, type of food preparation and foods prepared) the following information to demonstrate conformance with this chapter:

- (1) Intended menu.
- (2) Anticipated volume of food to be stored, prepared, and sold or served.

(3) Proposed layout, mechanical schematics, construction materials and finish schedules.

(4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications.

(5) Other information that may be required by the Department for the proper review of the proposed construction, conversion or modification of a food facility.

##### § 46.1122. HACCP plans.

(a) *When an HACCP plan is required.*

(1) Before engaging in an activity that requires an HACCP plan, a food facility applicant or food facility operator shall submit to the Department for approval a properly prepared HACCP plan as specified in subsection (b) and the relevant provisions of this chapter if any of the following occurs:

(i) Submission of an HACCP plan is required according to applicable Federal or State laws.

(ii) A variance is required as specified in §§ 46.250(b)(2)(ii), 46.345(d)(3), 46.401 or 46.589(b).

(iii) The Department determines that a food preparation or processing method requires a variance based on a plan submittal specified in § 46.1121(b) (relating to facility and operating plans), an inspectional finding, or a variance request.

(2) A food facility applicant or food facility operator shall have a properly prepared HACCP plan as specified in § 46.402 (relating to reduced oxygen packaging).

(b) *Contents of an HACCP plan.* For a food facility that is required in subsection (a) to have an HACCP plan, the plan and specifications shall indicate the following:

(1) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Department.

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(i) Ingredients, materials and equipment used in the preparation of that food.

(ii) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(3) Food employee and supervisory training plan that addresses the food safety issues of concern.

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying the following:

- (i) Each critical control point.
- (ii) The critical limits for each critical control point.
- (iii) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge.

(iv) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.

(v) Action to be taken by the person in charge if the critical limits for each critical control point are not met.

(vi) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.

(5) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

**§ 46.1123. Confidentiality of trade secrets.**

The Department will treat as confidential information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified in §§ 46.1121(b) and 46.1122(b) (relating to facility and operating plans; and HACCP plans).

**§ 46.1124. Preoperational inspection of construction.**

The Department will conduct one or more preoperational inspections to verify that the food facility is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and variances granted under § 46.1103 (relating to variances). The Department will also verify the food facility is otherwise in compliance with this chapter and the Public Eating and Drinking Place Law.

**REQUIREMENTS FOR OPERATION**

**§ 46.1141. Requirement: permit, license or registration.**

A person may not operate a food facility without a valid permit, license or registration issued by the Department.

**§ 46.1142. Application procedure for appropriate permit, license or registration.**

Prior to the opening of a food facility, the operator shall contact the Department to obtain the appropriate application form for the required permit, license or registration. The Department will supply the applicant the appropriate form, based upon the type of food facility involved.

**§ 46.1143. Issuance.**

(a) *New, converted or remodeled food facilities.*

(1) For food facilities that are required to submit plans as specified in § 46.1121(a) (relating to facility and operating plans), the Department will issue a license or permit to the applicant after the following occur:

(i) The required plans, specifications, and information are reviewed and approved.

(ii) A preoperational inspection, as described in § 46.1124 (relating to preoperational inspection of construction) shows that the facility is built or remodeled in accordance with the approved plans and specifications and that the facility is in compliance with this chapter.

(iii) A properly completed application is submitted.

(iv) The required fee is submitted.

(2) For food facilities that are not required to submit plans as specified in § 46.1121(a), the Department will issue a registration to the applicant after the following occur:

(i) A properly completed application is submitted.

(ii) The required fee is submitted.

(b) *License or permit renewal.* The food facility operator of an existing facility shall submit an application, the required fee, and be in compliance with this chapter prior to issuance by the Department of a renewed license or permit.

(c) *Registration renewal.* The food facility operator of an existing facility shall submit an application and the required fee prior to issuance by the Department of a renewed registration.

(d) *Change of ownership.* Licenses, registrations and permits are nontransferable. New owners shall apply to the Department in accordance with § 46.1142 (relating to application procedure for appropriate permit, license or registration).

**§ 46.1144. Conditions of retention: responsibilities of the food facility operator.**

To retain a license, registration or permit issued by the Department under this chapter, a food facility operator shall do the following:

(1) Post the license, registration or permit in a location in the food facility that is conspicuous to consumers and the Department.

(2) Comply with this chapter—including the conditions of a granted variance as specified in § 46.1103(c) (relating to variances)—and approved plans as specified in § 46.1121(b) (relating to facility and operating plans).

(3) If a food facility is required in § 46.1122(a) (relating to HACCP plans) to operate under a HACCP plan, comply with the plan as specified in § 46.1103(c) (relating to variances).

(4) Immediately contact the Department to report an illness of an employee as specified in § 46.111(b) (relating to duty to report disease or medical condition).

(5) Immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health. A food facility operator need not discontinue operations in an area of a facility that is unaffected by the imminent health hazard.

(6) Not resume operations discontinued in accordance with paragraph (5) or otherwise according to the Public Eating and Drinking Place Law or the act until approval is obtained from the Department.

(7) Allow representatives of the Secretary access to the food facility as specified in § 46.1102 (relating to access to food facilities).

(8) Except as specified in paragraph (9), replace existing facilities and equipment with facilities and equipment that comply with this chapter if either of the following occurs:

(i) The Department directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted.

(ii) The facilities and equipment are replaced in the normal course of operation.

(9) Upgrade or replace refrigeration equipment as specified in § 46.385(a)(3) (relating to potentially hazardous food: hot and cold holding) by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years after the effective date of adoption of this proposal.), if the circumstances specified in paragraph (8)(i) and (ii) do not occur first, and unless a variance has been approved as specified in § 46.1103.

(10) Comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the Department in regard to the operator's food facility or in response to community emergencies.

(11) Accept notices issued and served by the Department according to the Public Eating and Drinking Place Law or the act.

*(Editor's Note: The Department proposes to delete Chapter 47, Pa. Code pages 47-1 and 47-2, serial pages (217561) to (217562).)*

**CHAPTER 47. (Reserved)**

**§§ 47.1—47.3. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 49, Pa. Code pages 49-1—49-26, serial pages (217563) to (217580), (237815) to (237816) and (217583) to (217588).)*

**CHAPTER 49. (Reserved)**

**Subchapter A. (Reserved)**

**§§ 49.1—49.6. (Reserved).**

**Subchapter B. (Reserved)**

**§§ 49.11—49.20. (Reserved).**

**Subchapter C. (Reserved)**

**§§ 49.31—49.36. (Reserved).**

**Subchapter D. (Reserved)**

**§§ 49.41—49.47. (Reserved).**

**Subchapter E. (Reserved)**

**§§ 49.51—49.56. (Reserved).**

**Subchapter F. (Reserved)**

**§ 49.61. (Reserved).**

**§ 49.62. (Reserved).**

**Subpart B. LIQUID FOODS**

*(Editor's Note: The Department proposes to delete Chapter 53, Pa. Code pages 53-1—53-5, serial pages (217591) to (217595).)*

**CHAPTER 53. (Reserved)**

**§§ 53.1—53.7. (Reserved).**

**§§ 53.11—53.19. (Reserved).**

**§ 53.21. (Reserved).**

**§ 53.22. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 55, Pa. Code pages 55-1 and 55-2, serial pages (260909) to (260910).)*

**CHAPTER 55. (Reserved)**

**§§ 55.1—55.5. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 61, Pa. Code pages 61-1—61-13, serial pages (217705) to (217717).)*

**CHAPTER 61. (Reserved)**

**Subchapter A. (Reserved)**

**§§ 61.1—61.7. (Reserved).**

**§§ 61.11—61.13. (Reserved).**

**§ 61.21. (Reserved).**

**§ 61.22. (Reserved).**

**§§ 61.31—61.34. (Reserved).**

**§§ 61.41—61.43. (Reserved).**

**Subchapter B. (Reserved)**

**§§ 61.51—61.53. (Reserved).**

**§§ 61.61—61.65. (Reserved).**

**§ 61.71. (Reserved).**

**§ 61.72. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 63, Pa. Code pages 63-1 and 63-2, serial pages (217719) to (217720).)*

**CHAPTER 63. (Reserved)**

**§§ 63.1—63.4. (Reserved).**

**Subchapter C. MISCELLANEOUS PROVISIONS**

*(Editor's Note: The Department proposes to delete Chapter 78, Pa. Code pages 78-1—78-33, serial pages (217741) to (217754), (237817) to (237818) and (217757) to (217773).)*

**CHAPTER 78. (Reserved)**

**Subchapter A. (Reserved)**

**§§ 78.1—78.3. (Reserved).**

**Subchapter B. (Reserved)**

**§§ 78.11—78.14. (Reserved).**

**§§ 78.21—78.24. (Reserved).**

**§ 78.31. (Reserved).**

**§ 78.32. (Reserved).**

**§§ 78.41—78.43. (Reserved).**

**§§ 78.51—78.53. (Reserved).**

**§§ 78.61—78.65. (Reserved).**

**§§ 78.71—78.78. (Reserved).**

**§§ 78.91—78.97. (Reserved).**

**§ 78.101. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 79, Pa. Code page 79-1, serial page (217775).)*

**CHAPTER 79. (Reserved)**

**§ 79.1. (Reserved).**

*(Editor's Note: The Department proposed to delete Chapter 80, Pa. Code pages 80-1—80-10, serial pages (217777) to (217786).)*

**CHAPTER 80. (Reserved)**

- § 80.1. (Reserved).
- §§ 80.11—80.13. (Reserved).
- §§ 80.21—80.23. (Reserved).
- § 80.31. (Reserved).
- § 80.32. (Reserved).
- §§ 80.41—80.48. (Reserved).
- § 80.51. (Reserved).
- § 80.52. (Reserved).
- §§ 80.61—80.63. (Reserved).
- § 80.71. (Reserved).
- § 80.72. (Reserved).

**§§ 80.81—80.84. (Reserved).**

*(Editor's Note: The Department proposes to delete Chapter 81, Pa. Code pages 81-1 and 81-2, serial pages (217787) to (217788).)*

**CHAPTER 81. (Reserved).**

- § 81.1. (Reserved).
- § 81.11. (Reserved).
- § 81.12. (Reserved).
- § 81.21. (Reserved).

[Pa.B. Doc. No. 02-297. Filed for public inspection February 22, 2002, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 12, 2002.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-02	Counsel Trust Company York York County	235 St. Charles Way Suite 100 York York Township York County	Commenced Operations

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-29-02	First Financial Bank Downingtown Chester County	830 E. Baltimore Pike Kennett Square Chester County	Opened
2-6-02	Northwest Savings Bank Warren Warren County	1040 Lake Avenue Ashtabula Ashtabula County Ohio	Approved
2-7-02	Farmers First Bank Lititz Lancaster County	WalMart Store 890 East Main St. Ephrata Lancaster County	Approved
2-7-02	Community Bank and Trust Company Clarks Summit Lackawanna County	Corner of Seventh and Lackawanna Aves. Scranton Lackawanna County	Approved
2-11-02	Parkvale Savings Bank Monroeville Allegheny County	6298 Steubenville Pike (50 Hightower Road) Robinson Township Allegheny Township	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-02	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>To:</i> 60 Main Street Clifford Susquehanna County  <i>From:</i> Route 106 Clifford Susquehanna County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-02	Fulton Bank Lancaster Lancaster County	Weaver's Market Routes 272 and 897 Adamstown Lancaster County	Effective

### SAVINGS INSTITUTIONS

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-298. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Maximum Lawful Rates of Interest for Residential Mortgages for the Month of March 2002**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of March 2002, is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.37 to which was added 2.50 percentage points for a total of 7.87 that by law is rounded off to the nearest quarter at 7 3/4%.

JAMES B. KAUFFMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-299. Filed for public inspection February 22, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Pennsylvania Heritage Parks Program: Fiscal Year 2002-2003 Grant Application**

The Department of Conservation and Natural Resources (DCNR) announces that applications are now being accepted for grants to be funded from the 2002-2003 fiscal year Pennsylvania Heritage Parks Program. Funding is subject to an appropriation being made available to DCNR for the Pennsylvania Heritage Parks Program in the upcoming 2002-2003 fiscal year budget. The deadline for submission of applications is Friday, May 17, 2002. Applications must be received no later than 5 p.m. in the Harrisburg Central Office of DCNR's Bureau of Recreation and Conservation. Applications received after this deadline will not be considered for funding. Fax submissions are not acceptable.

It is the intent of the program to create a system of State Heritage Parks that will preserve and interpret the

significant contributions that certain regions of this Commonwealth have made to the industrial heritage of the State and Nation. The historic, cultural, natural, scenic and recreational resources within a Heritage Park area are inventoried, preserved, enhanced and promoted as a strategy to enhance regional economic development through the attraction of tourists, creation of new jobs, stimulation of small business growth and the promotion of public and private investment opportunities. There are currently 11 designated State Heritage Parks including the Allegheny Ridge State Heritage Park, the Delaware and Lehigh National Heritage Corridor, the Endless Mountains Heritage Region, the Lackawanna Heritage Valley Authority, the Lancaster-York Heritage Region, the Lincoln Highway Heritage Corridor, the Lumber Heritage Region, the National Road Heritage Park, the Oil Heritage Region, the Rivers of Steel Heritage Area and the Schuylkill River Heritage Corridor.

Designated State Heritage Parks are eligible to apply for grants to undertake heritage park management activities, special purpose studies and implementation projects. Other regions wishing to participate in the Pennsylvania Heritage Parks Program may apply for feasibility study grants if they meet the following criteria and are prequalified by DCNR:

- Must have a strong industrial theme based on one or more of the following industries—coal, oil, iron and steel, lumber, textile, transportation, machine and foundry, and agriculture;
- Must be multicounty in size;
- Must have natural, cultural, historic, recreational and scenic resources of State or National significance;
- Have a broad-based public and private partnership and regional coalition supporting the project;
- Must demonstrate a local commitment and leadership capacity to undertake the initiative.

*Program Manual/Application Forms*

The Pennsylvania Heritage Parks Program Manual provides more specific information on funding levels, program requirements and the application process for this round of funding. The Pennsylvania Heritage Parks Program Manual and application forms are available from DCNR. Since each project type has a specific set of application forms and instructions, specify the type of project when requesting application forms. The Pennsylvania Heritage Parks Program Manual, application forms and additional information about the Pennsylvania Heritage Parks Program can be obtained from the Central Office of DCNR's Bureau of Recreation and Conservation in Harrisburg: Tim Keptner, Chief, Regional Services Division, Bureau of Recreation and Conservation, Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, 6th Floor Rachel Carson State Office Building, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-0988.

Persons with a disability who wish to submit an application for Pennsylvania Heritage Parks Program funding and require assistance with the application

should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how DCNR may best accommodate their needs. TTY or TDD users call (800) 654-5984.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 02-300. Filed for public inspection February 22, 2002, 9:00 a.m.]

Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to GERALYN UMSTEAD at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact GERALYN UMSTEAD directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 02-301. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Snowmobile and ATV Advisory Committee Meeting**

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Tuesday, March 5, 2002. The meeting will be held at 9:30 a.m. in Room 105,

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS**

**NPDES APPLICATIONS**

**PART I PERMITS**

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0021555	Weatherly Municipal Authority 10 Wilbur Street Weatherly, PA 18255	Weatherly Borough Carbon County	Black Creek (2B)	Yes

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

<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>
PA0110850	Meda Nipple Convalescent Home R. R. 1, Box 109 Thompstontown, PA 17094	Juniata County Delaware Township	UNT Cocolamus Creek/12B	Yes
PA0028142	Pennsylvania National Guard Fort Indiantown Gap Building No. 1 Annville, PA 17003	Lebanon County East Hanover Town- ship	Swatara Creek/7D	Yes
PA0086771	Centre Township Municipal Au- thority—Dauberville 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	Irish Creek/3B	Yes
PA0032964	Department of Conservation and Natural Resources Cowans Gap State Park 6235 Aughwick Road Fort Loudon, PA 17224	Fulton County Todd Township	S. Branch Little Aughwick Creek/12C	Yes
PA0084948	Waynesboro Borough Authority 57 East Main Street Waynesboro, PA 17268	Franklin County Quincy Township	E. Branch Antietam Creek/13-C	Yes

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

**PA0222151**, Industrial Waste, **Crompton Corporation**, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in the City of Bradford, **McKean County**.

Description of Proposed discharge of treated industrial waste is in watershed 16-C and classified for: warm water fishes, aquatic life, water supply and recreation. 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 considered during the evaluation is the PA/NY state line located approximately 2.7 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.367 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>
(MO) Flow (MGD)	XX				
Total Iron					
Interim Limits			7.7	15.4	19.3
Final Limits			3.5	7	8.8
Oil and Grease			15		30
Dissolved Iron			XX		6
Trichloroethylene			XX		XX
cis-1,2 dichloroethylene			XX		XX
Vinyl Chloride			XX		XX
Methyl Ethyl Ketone			XX		XX
Manganese			XX		XX
Osmotic Pressure (mos/kg)			XX		XX
Anthracene			XX		XX
Benzene			XX		XX
Benzo[a]anthracene			XX		XX
Benzo[a]pyrene			XX		XX
Benzo[b]fluoranthene			XX		XX
Benzo[ghi]perylene			XX		XX
Chrysene			XX		XX
Cumene			XX		XX
Dibromoethane, 1,2- (Ethylene Dibromide)			XX		XX
Dichloroethane, 1,2			XX		XX
Ethyl Benzene			XX		XX
Fluorene			XX		XX
Indeno [1,2,3-cd] pyrene			XX		XX
Lead (Total)			XX		XX



Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Methyl Tert-Butyl Ether (MTBE)			XX		XX
Naphthalene			XX		XX
Phenanthrene			XX		XX
Pyrene			XX		XX
Toluene			XX		XX
Xylenes (Total)			XX		XX
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report.

In addition to the effluent limits, the permit contains the following major special conditions.

1. Final technology based limitation for total iron.
2. Conditions for future permit modification. Sampling relief for volatile, and the like, monitoring only parameter.

The EPA Waiver is in effect.

**PA0103811**, Industrial Waste, **Northwest Sanitary Landfill, Waste Management Disposal Services of PA, Inc.**, 1436 West Sunbury Road, West Sunbury, PA 16061. This proposed facility is located in Cherry Township, **Butler County**.

Description of Proposed discharge of treated industrial waste and stormwater, is in watershed 20-C and classified for: cold water fish, aquatic life, water supply and recreation. 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 considered during the evaluation is the Salvation Army Camp on Slippery Rock Creek located in Wayne Township, Lawrence County approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03264 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
(MO) Flow (MGD)	XX				
(BAT) BOD <sub>5</sub>	XX		37	140	140
(BAT) TSS	XX		27	88	88
(BAT) Ammonia—Nitrogen	1.33		4.9	10	12
(BAT) a-Terpineol			0.016	0.033	0.04
(BAT) Benzoic Acid			0.071	0.12	0.18
(BAT) p-Cresol			0.014	0.025	0.035
(BAT) Phenol			0.015	0.026	0.038
(BAT) Zinc	XX	XX	0.11	0.2	0.28
(CH-95) Oil and Grease			15		30
(WQ-95) Fecal Coliform					
(5-1 to 9-30)			200/100 ml		
(10-1 to 4-30)			10,700/100 ml		
4,4'-DDT			0.000007	0.000014	0.000018
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 002 (Pond A) are based on a design flow of n/a MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TDS					XX
Oil and Grease					XX
pH					XX

The proposed effluent limits for Outfall 003 (Pond B) are based on a design flow of n/a MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TDS					XX
Oil and Grease					XX
pH					XX

XX — Monitor and report.

In addition to the effluent limits, the permit contains the following major special conditions:

- Monitoring of Treated Leachate Quantity and Quality
- Management of Leachate Discharge Rates
- Control of Leachate During Low Stream Flow Conditions
- Water Quality Based Limits at or Below Detection Limits
- Monitoring Requirements for Stormwater Discharges

The EPA Waiver is in effect.

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications.**

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

**PA#0012475**, Industrial, SIC Code 4911, **Reliant Energy Mid-Atlantic Power Holdings, LLC**, 1001 Broad Street, Johnstown, PA 15907-1050. This proposed facility is located in Upper Mount Bethel Township, **Northampton County**.

Description of Proposed Activity: modification of existing NPDES permit to discharge process wastewater, noncontact cooling water, cooling tower blowdown, low volume wastewater, sewage and uncontaminated stormwater into the Delaware River in Upper Mount Bethel Township, Northampton County.

The receiving stream, Delaware River, is in the State Water Plan watershed #01F and is classified for: aquatic life, warm water fishery, migratory fishes. The nearest downstream public water supply intake for City of Easton Water Supply is located on the Delaware is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 298 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Residual Chlorine				0.2	
Discharge Temperature					110°F
Upstream Temperature					Monitor and Report
Downstream Temperature					Monitor and Report
pH			6 to 9 Standard Units at all Times		

The proposed effluent limits for Outfall 101 based on a design flow of 0.942 MGD are:

	<i>Average Monthly</i>	<i>Maximum Daily</i>
Free Available Chlorine	0.2	0.5

The proposed effluent limits for Outfall 201 based on a design flow of 0.072 MGD are:

	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids	30	100
Oil and Grease	15	20

The proposed effluent limits for Outfall 002 based on a design flow of .006 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> —N	20		40
Fecal Coliform	200/100 ml		
pH	6 to 9 Standard Units at all Times		

The proposed effluent limits for Outfall 003 based on a design flow of 0.764 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Oil and Grease	15	20	30
pH	6 to 9 Standard Units at all Times		
Hydrazine	Non Detectable (<.005 mg/l)		

Outfalls SW1, SW2 and SW3 consist of uncontaminated stormwater.

The EPA waiver is not in effect.

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

**Application No. PA 0026051**, Sewage, **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201. This facility is located in Chambersburg Borough, **Franklin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conococheague Creek, is in Watershed 13-C and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on Potomac River, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.8 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>			
(5-1 to 10-31)	15	22	45
(11-1 to 4-30)	25	40	75
Total Suspended Solids	30	45	90
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		12
(11-1 to 4-30)	10		36
Total Phosphorus	Monitor and Report		Monitor and Report
Total N	Monitor and Report		Monitor and Report
WETT			2.817
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)		4,500/100 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 not in effect.

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

**PA0096792**, Industrial Waste, SIC, 3479, **MetalTech, Inc.**, 2400 Second Avenue, Pittsburgh, PA 15219. This application is for Renewal of an NPDES permit to discharge cooling water and stormwater from a galvanizing plant in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, 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 West View Municipal Authority, located at West View, 7.4 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.083 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>

This outfall shall only consist of outfall 101 effluent and stormwater.

*Outfall 101: existing discharge, design flow of 0.083 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				
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: existing 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>

This outfall shall only contain stormwater.

The EPA waiver is in effect.

**PA0204889**, Industrial Waste, SIC, 4114, **Port Authority of Allegheny County**, 345 Sixth Avenue, Third Floor, Pittsburgh, PA 15222-2527. This application is for issuance of an NPDES permit to discharge treated process water and stormwater from Harmar Garage in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of an unnamed tributary to Deer Creek, 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 Fox Chapel Water Authority, located at Mile 10.8 on the Allegheny River, 3.5 miles below the discharge point.

*Outfall 001*: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Iron			3.5		7.0

*Outfall 002*: existing discharge to an unnamed tributary to Deer Creek.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Iron			3.5		7.0

The EPA waiver is in effect.

**PA0218952**, Industrial Waste, SIC 4911, **Conectiv Mid-Merit, Inc.**, 113 Pencader Drive, Suite 100, Newark, DE 19714-6066. This application is for issuance of an NPDES permit to discharge treated process water, sewage, untreated cooling water and stormwater from Hinckston Run Power Project in Jackson Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters of Hinckston Run (Outfall 001) and an unnamed tributary to Laurel Run, classified as warm water and high quality cold water fisheries, respectively, with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg Municipal Water Works, located at Conemaugh River, 7.0 miles below the discharge point.

*Outfall 101*: new discharge, design flow of 2.75 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
The 126 Priority Pollutants (40 CFR 423, App. A) contained in chemicals added for cooling Tower maintenance, except:				Nondetect	
Chromium (T)			0.2	0.2	
Zinc (T)			0.25	0.50	
Free Available Chlorine			0.2		0.5
Copper			0.03	0.06	
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Iron			1.67		4
Aluminum			0.54		1.35
Manganese			1		2
Temperature (°F)					
(1-1 to 1-31)				36.8	
(2-1 to 2-29)				37.0	
(3-1 to 3-31)				44.8	
(4-1 to 4-15)				52.4	
(4-16 to 4-30)				58.4	
(5-1 to 5-15)				61.5	
(5-16 to 5-31)				67.9	
(6-1 to 6-15)				71.5	
(6-16 to 6-30)				75.5	
(7-1 to 7-31)				77.3	
(8-1 to 8-31)				76.1	
(9-1 to 9-15)				72.6	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
(9-16 to 9-30)				66.6	
(10-1 to 10-15)				61.7	
(10-16 to 10-31)				55.7	
(11-1 to 11-15)				49.8	
(11-16 to 11-30)				43.5	
(12-1 to 12-31)				38.4	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: new discharge, design flow of 0.003 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.003				
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)			2,000/100 ml as a geometric mean		
Total Residual Chlorine			1.4		3.3
Dissolved Oxygen				5.0 mg/l minimum	
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: new discharge, design flow of 2.75 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Outfall 001 receives wastewater from Internal Monitoring Points (IMPs) 101 and 201. The monitoring and sampling of the effluent takes place at IMPs 101 and 201.					

Outfall 002: new discharge, design flow of varied MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The discharge from this outfall shall consist of uncontaminated stormwater runoff.					

The EPA waiver is in effect.

**PA0092363**, Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Marion Villa STP in Washington Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Downers 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 Belle Vernon Borough Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.0267 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)	2.2			4.4
(11-1 to 4-30)	5.5			11.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

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

The EPA waiver is in effect.

**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).**

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

**WQM Permit No. 4802402**, Sewerage, **Lawrence Higgins**, 4325 Hamilton Boulevard, Allentown, PA 18103. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: This project consists of construction of a single-family residential onlot sewage disposal system, which is replacing an existing system. Discharge will be to an unnamed tributary of Hokendaqua Creek. Proposed development is on Twinbrook Road, Allen Township, Northampton County.

**WQM Permit No. 4802402**, Sewerage, **Blooming Grove Hunting and Fishing Club**, HC 8, Box 8066,

Hawley, PA 18428. This proposed facility is located in Blooming Grove Township, **Pike County**.

Description of Proposed Action/Activity: This project consists of construction of a wastewater treatment facility with a treatment capacity of 20,000 gallons per day to serve the existing residential and recreational facilities. Treated effluent from the wastewater treatment plant will be stored in a storage pond to be located onsite and discharged utilizing land application (spray irrigation) for final effluent disposal.

**WQM Permit No. 5402401**, Foster Township, 19 Lower Beechwood Avenue, Pottsville, PA 17901. This proposed facility is located in Foster Township, **Schuylkill County**.

Description of Proposed Action/Activity: The project includes the installation of approximately 13,500 L.F. of gravity sewer pipe, 4,400 L.F. of force main and 2,700 L.F. of low pressure pipe. Also, two pump stations will be constructed. This collection system will convey sewage to the Schuylkill County Municipal Authority (SCMA) wastewater system (with a tie-in point in the Schuylkill Highridge Business Park) for treatment at the SCMA's Wastewater Treatment Plant, located in the Borough of Gordon.

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

**WQM Permit No. 2102401**, Sewerage, **East Pennsboro Township**, Township Administrative Building, 98 S. Enola Drive, Enola, PA 17025-2796. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Upgrade capacity at the North (Summerdale) Pumping Station.

**WQM Permit No. 0102401**, Sewerage, **Double L Partners**, 928 Bollinger Road, Littlestown, PA 17340. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Construction of Sewage Treatment Plant to serve the Centennial Meadows Development.

**WQM Permit No. 4402401**, Sewerage, **Bratton Township Supervisors**, 460 Mountain Lane, McVeytown, PA 17051. This proposed facility is located in Bratton Township, **Mifflin County**.

Description of Proposed Action/Activity: Construction of a wastewater project serving the more heavily populated areas of Bratton Township.

**WQM Permit No. 3602402**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4087. This proposed facility is located in West Hempfield Township, **Lancaster County**.

Description of Proposed Action/Activity: Upgrade the capacity of the Farmdale Pumping Station.

**WQM Permit No. 3602403**, Sewage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Borough and East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of the Sanitary Sewer Extension to serve the proposed Donegal Springs Elementary School.

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

**Application No. 0471424-A1**, Sewerage, **Department of Conservation and Natural Resources, Bureau of State Parks**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105. Application for the Construction and Modification of a Wastewater Treatment Plant and Pump Station to serve Raccoon Creek State Park located in Hanover Township, **Beaver County**.

**Application No. 3202401**, Sewerage, **Burrell Township Sewer Authority**, 4345 Park Drive, Black Lick, PA 15716. Application for the construction and operation of a pump station and sanitary sewers to serve the Weirs Run Area located in Burrell Township, **Indiana County**.

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

**WQM Permit No 4302404**, Sewerage, **Ronald Greenawalt**, 234 Reiber Road, Hermitage, PA 16148. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 2502402**, Sewerage, **Josh Paris**, 2124 East Road, Erie, PA 16509. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 4302405**, Sewerage, **Donald Warner**, 7498 Sharon Mercer Road, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 4302406**, Sewerage, **Norma J. Flickinger**, 2745 South Keel Ridge Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 6202401**, Sewerage, **Gilbert W. Epperson**, 1040 Silliman Avenue, Erie, PA 16511. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No 2502403**, Sewerage, **Julie Schwindt**, 3102 Elmwood Avenue, Erie, PA 16508. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 1002404**, Sewerage, **Department of Conservation and Natural Resources—Moraine State Park**, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387.

This proposed facility is located in Muddy Creek Township, Butler County.

Description of Proposed Action/Activity: This project is for the replacement of existing sand filters with new continuous backwash, up-flow filters.

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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.

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S109	Paradise Falls Lutheran Assn. 1319 Paradise Falls Cresco, PA 18326	Monroe County Paradise Township	Paradise Creek HQ-CWF
<i>Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.</i>			
<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS107425	SEM Realty, Inc. Stephen Mackle R. R. 4, Box 182 Honesdale, PA 18431	Wayne County Texas Township	Unnamed tributary to Holbert Creek to Lackawanna River HQ-CWF, MF

**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).**

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

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<b>Permit No. 6702501, Public Water Supply.</b>	
Applicant	<b>South Eastern School District</b>
Municipality	Fawn Grove Borough
County	<b>York</b>
Responsible Official	James K. Horst, Vice President 637 Fishburn Road Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	James K. Horst, P.E. Reynolds Engineering 637 Fishburn Road Hershey, PA 17033
Application Received Date	February 4, 2002
Description of Action	Applicant seeks a Construction Permit for an anion exchange nitrate removal facility to be installed at the South Eastern School District Middle School.

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

<b>Permit No. 3702501, Public Water Supply.</b>	
Applicant	<b>Cedar Acres MHP c/o Earl Cunningham</b> 1650 Harlansburg Road New Castle, PA 16101
Township or Borough	Scott Township, <b>Lawrence County</b>
Responsible Official	Earl Cunningham, Owner
Type of Facility	PWS
Consulting Engineer	Frank B. Taylor Engineering R. D. 1, Box 93 New Castle, PA 16101.
Application Received Date	February 2, 2002
Description of Action	Increase the number of units by 48 for a total of 90 by using the existing drilled well, existing pumping facility, two hydropneumatic tanks and two retention tanks.



## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

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

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

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

**New Council Rock High School**, Northampton Township, **Bucks County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 W. Main St., Trappe, PA 19426, on behalf of The Council Rock School District, Robert McAuliffe, P.E., Business Mgr., 301 Twining Ford Rd., Richboro, PA 18954, has submitted a Notice of Intent to Remediate groundwater contaminated with lead, BTEX and petroleum hydrocarbons. 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 Courier Times* on December 17, 2001.

**Olympic Motors Used Car Lot**, Ridley Township, **Delaware County**. Robert F. Murphy, RFM Environmental Consultants, 287 Peel Rd., Langhorne, PA 19047, on behalf of Lexis Lax, 1201 MacDade Blvd., Folsom, PA 19033, has submitted a Notice of Intent to Remediate soil contaminated with lead and BTEX. 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 *Delaware County Daily Times* on January 23, 2002.

**12th Street Facility**, Chester Township, **Delaware County**. Keith A. Gerber, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Eddystone Industrial Park—Operations, 418 W. Front St., P. O. Box 300, Chester, PA, has submitted a Notice of Intent to Remediate soil contaminated with lead and VOCs. 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 *Delaware County Daily Times* on January 29, 2002.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Rutherford Intermodal Transfer Facility**, Swatara Township, **Dauphin County**. IT Corporation, 200 Horizon Center Boulevard, Trenton, NJ 08691-1904 (on behalf of Pennsylvania Lines LLC, Three Commerical Place, Norfolk, VA 23510-9241 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416) has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, BTEX, PHCs, PAHs and solvents. 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 *Patriot News* on January 19, 2002.

**Enola Railyard Greenhouse Area and Former Lagoon Area**, East Pennsboro Township, **Cumberland County**. ENSR International, One Chatham Center, Suite 900, 112 Washington Place, Pittsburgh, PA 15219-3443 (on behalf of Pennsylvania Lines LLC, Three Commerical Place, Norfolk, VA 23510-9241 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416) has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on January 19, 2002.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit Application No. 400633. Wheelabrator Falls Inc.,** 1201 New Ford Mill Road, Morrisville, PA 19067. Falls Township, **Bucks County**. The application is for a radiation action protection plan. Application was received in the Southeast Regional Office on February 8, 2002.

*Southwest Region: Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit Application No. 101619. Joseph J. Brunner, Inc.,** 211 Brunner Road, Zelenople, PA 16063. Brunner Recycling Facility, 2973 Duss Avenue, Ambridge, PA 15003. An application for a major permit modification for a Radiation Protection Plan, for a resource recovery processing facility in Harmony Township, **Beaver County** was received in the Regional Office on February 4, 2002.

**Applications received, denied, withdrawn or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101602. Seneca Landfill Transfer Station,** P. O. Box 1080, Mars, PA 10046, Jackson Township, **Butler County**. This is a major permit modification for a Radiation Protection Plan and modification of the Waste Analysis and Classification Plan. The application was received by the Northwest Regional Office on February 1, 2002.

Comments concerning the application should be directed to A. Patrick Boyle, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## 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.*

**48-309-119: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air cleaning device on the existing cement transfer system at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**05-03010A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for installation of a triple deck vibrating screen controlled by wet suppression at the existing limestone crushing and screening plant in Snake Spring Township, **Bedford County**. This facility is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

**06-05063A: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545-0443) for construction of a molding, pouring and shakeout line to be controlled by various fabric collectors at its gray iron foundry in Boyertown Borough and Colebrookdale Township, **Berks County**. The foundry is a Title V facility.

**36-03136A: K and M Woodworking** (82 South Groffdale Road, Leola, PA 17540) for construction of a surface coating operation for the painting of wood cabinets and furniture at its facility in Upper Leacock Township, **Lancaster County**.

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

**53-00003A: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512) for construction of an 8,070 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (an oxidation catalyst) at the Ellisburg Compressor Station in Allegany Township, **Potter County**. This engine is subject to the Federal Prevention of Significant Deterioration regulations as well as the Department's New Source Review regulations.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**65-858A: American Video Glass Co.** (777 Technology Drive, Mt. Pleasant, PA 15666) on January 31, 2002, for installation of Funnel Lehr Line 2 at the New Stanton Facility in Mt. Pleasant Township, **Westmoreland County**.

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

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

**46-0227: W. A. Schmidt, Inc.** (38 Souderton Pike, Franconia, PA 18924) for installation of a spray paint conveyor system, which includes two spray paint booths with associated air cleaning devices in Franconia Township, **Montgomery County**. This modification will result in net increase in emissions of volatile organic compounds (VOCs) by 22 tons per year (TPY) and of particulate matter (PM). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0150: Rotoflex Technology, Inc.** (180 Penn Am Drive, Quakertown, PA 18951) for installation of a chrome plating line in Richland Township, **Bucks County**. The facility is a non-Title V (State only) facility. This installation is for a chrome plating line and will result in the in emission of: 2.63 pounds of chromium compounds per year; 12.4 pounds of PM per year; 0.39 ton of copper compounds per year; and 1.01 tons of nickel compounds per year. The chrome plating line will comply with 40 CFR Part 63, Subpart N, regarding the National Emission Standards for Hazardous Air Pollutants. The Plan Approval and Operating Permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirement.

**46-0108A: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA, 19422) for modification of a batch asphalt plant in Marlborough Township, **Montgomery County**. This modification allows the asphalt plant to use natural gas, No. 4 fuel oil, No. 5 fuel oil and "on-specification" waste derived liquid fuel (WDLF). This installation will not result in any increase in emissions of VOCs or oxides of nitrogen (NOx). The facility is a minor facility and shall remain so. The Plan Approval will require the company to perform stack tests with WDLF and No. 5 fuel approved under this proposal within 180 days of issuance of the Plan Approval. Every shipment of WDLF will be analyzed and it must meet the "on-specification" requirement.

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

**35-318-085: Gentex Optics, Inc.** (P. O. Box 336, Carbondale, PA 18407) for installation and operation of a new Lens Coating Operation (Fastrack Line) in Fell Township, **Lackawanna County**. The facility currently has a Title V Operating Permit No. 35-00047. The plan approval limits VOC emissions from the new line not to exceed 3.54 TPY. Also, the annual VOC emissions from the facility shall not exceed 50.0 TPY on a 12-month rolling sum. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. This plan approval will be incorporated into the Title V operating permit through an amendment.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**38-3036A: Cargill, Inc.** (320 North 16th Street, Lebanon, PA 17406) for construction of a baghouse aspiration system for grain cleaning at its Animal Nutrition plant in Lebanon City, **Lebanon County**. This construction will result in emissions of less than 1 TPY of Particulate Matter. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

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

**53-329-011: Tennessee Gas Pipeline Co.** (9 Greenway Plaza, 1626B, Houston, TX 77046) for construction of a natural gas booster station, comprised of two 4-stroke lean burn natural gas-fired internal combustion reciprocating compressor engines rated at 2,365 brake-horsepower and a 4-stroke rich burn natural gas-fired internal combustion reciprocating engine rated at 250 brake-horsepower incorporating a 180 kilowatt generator, at their site located in Genesee Township, Potter County. In addition to the air contaminant sources previously listed, the subject booster station will also incorporate eight space heaters, one HVAC unit and five storage tanks. Additionally, the subject booster station will also be a source of fugitive VOCs.

The Ellisburg Booster Station will be a minor facility when constructed.

The information provided by the applicant, as well as the Department's own analysis, indicates that the natural gas booster station will have the potential to emit 33.4

tons of NO<sub>x</sub> per year, 25.2 tons of carbon monoxide (CO) per year, 34.2 tons of VOCs per year and 12.0 tons of hazardous air pollutants per year, of which 9.1 tons would be formaldehyde. Additionally, although the booster station will have the potential to emit particulate matter and oxides of sulfur, the corresponding emission of these air contaminants will be insignificant.

A preliminary review of the information submitted by the applicant indicates that the proposed natural gas booster station will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- Each of the two compressor engines shall incorporate "clean burn" electronic control systems and be equipped with an Engelhard oxidation catalyst to control the air contaminant emissions from the respective compressor engine. Additionally, the oxidation catalysts should be capable of reducing the CO, VOC and formaldehyde emissions by 80%, 40% and 50%, respectively.
- The air contaminant emissions from each compressor engine shall not exceed the following limitations:

NO <sub>x</sub> , expressed as NO <sub>2</sub>	3.65 pounds per hour
CO	2.61 pounds per hour
VOCs	2.82 pounds per hour
Oxides of sulfur (SO <sub>x</sub> )	0.01 pound per hour
PM	0.167 pound per hour
Total combined hazardous air pollutants	1.37 pounds per hour
Formaldehyde	1.04 pounds per hour

- The air contaminant emissions from the emergency generator shall not exceed the following limitations:

NO <sub>x</sub> , expressed as NO <sub>2</sub>	5.51 pounds per hour
CO	20.94 pounds per hour
VOCs	0.25 pound per hour
SO <sub>x</sub>	0.05 pound per hour
Particulate matter	0.001 pound per hour

- The compressor engines and the emergency generator shall be fired on only pipeline quality natural gas.
- The emergency generator shall not be operated more than 500 hours per year.
- The total combined fugitive VOC emissions from the booster station shall not exceed 9.5 TPY.
- The total combined air contaminant emissions from the booster station shall not exceed the following limitations:

NO <sub>x</sub> , expressed as NO <sub>2</sub>	33.4 TPY
CO	25.2 TPY
VOCs	34.2 TPY
Total combined hazardous air pollutants	12.0 TPY
Formaldehyde	9.0 TPY

- The company shall maintain comprehensive and accurate records of the number of hours the compressor engines and the emergency generator are operated for each month.
- The company shall perform stack testing upon each compressor engine and the emergency generator to demonstrate compliance with the emission limitations identified herein.

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

**20-145A: PPG Industries, Inc.—Works #8** (Kebert Industrial Park, R. D. 2, Meadville, PA 16335) for modification of Line 1 Glass Melting Furnace in Greenwood Township, **Crawford County**. The facility currently has a Title V Operating Permit (No. 20-00145). 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. This modification will result in a reduction of approximately 930.5 TPY of NO<sub>x</sub> emissions.

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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 Saffko, Facilities Permitting Chief, (570) 826-2531.*

**35-00041: Interstate Safety Service, Inc.** (P. O. Box O, Clark Summit, PA 18411) for a Natural Minor Operating Permit for quarry operations in Dickson City, **Lackawanna County**.

**39-00044: Houghton International, Inc.** (Madison and Van Buren Avenues, P. O. Box 930, Valley Forge, PA 19482) for a Natural Minor Operating Permit for metal working fluids in Upper Macungie Township, **Lehigh County**.

**39-00047: Hampshire House Apartments** (1500 Hamilton Street, Allentown, PA, 18102) for a Natural Minor Operating Permit for boiler operation in Allentown, **Lehigh County**.

**39-00061: Electro Chemical Engineering and Manufacturing Co.** (750 Broad Street, Emmaus, PA 18049) for a Natural Minor Operating Permit for coating and engraving in Emmaus Borough, **Lehigh County**.

**40-00058: Summit Precision Polymers** (Crestwood Industrial Park, P. O. Box 99, 1050 Crestwood Drive, Mountaintop, PA 18707) for a Synthetic Minor Operating Permit for Plastic Production in Mountaintop, **Luzerne County**.

**40-00059: Reilly Finishing Technologies** (130 Alden Road, Nanticoke, PA 18634) for a Natural Minor Operating Permit for plating and polishing in Nanticoke, **Luzerne County**.

**40-00064: Federal Business Products** (150 JayCee Drive, Valmont Industrial Park, West Hazleton, PA 18201) for a Synthetic Minor Operating Permit for manifold business forms in Wright Township, **Luzerne County**.

**40-00065: The Quaker Oats Co.** (750 Oak Hill Road, Mountaintop, PA 18707) for a Synthetic Minor Operating Permit for bottled/canned drinks in Wright Township, **Luzerne County**.

**40-00069: Gemark Corp.** (99 Stevens Lane, Exeter, PA 18643) for a Synthetic Minor Operating Permit for plastic products in Exeter Borough, **Luzerne County**.

**45-00008: The Salt Institute** (P. O. Box 250, Swiftwater, PA 18370) for a Synthetic Minor Operating Permit for biological preparation in Pocono Township, **Monroe County**.

**45-00020: Cooper Industries** (Cooper Power Systems, 80 North Burson Street, East Stroudsburg, PA 18301) for a Natural Minor Operating Permit for wiring devices in East Stroudsburg, **Monroe County**.

**48-00040: Broad and Wood Realty** (7540 Windsor Drive, Suite 111, Allentown, PA 18195) for a Natural Minor Operating Permit for boilers in City of Bethlehem, **Northampton County**.

**48-00042: Molded Acoustical Products of Easton, Inc.** (3 Danforth Drive, Easton, PA 18045) for a Natural Minor Operating Permit for mold fiberglass in Palmer Township, **Northampton County**.

**48-00056: Northampton Farm Bureau Cooperative Association** (300 Bushkill Street, P. O. Box 400, Tatamy, PA 18085) for a Natural Minor Operating Permit for petroleum plant in Tatamy, **Northampton County**.

**48-00065: Ungerer and Co.** (110 North Commerce Way, Bethlehem, PA 18017) for a Natural Minor Operating Permit for flavoring extracts and syrups in Hanover Township, **Northampton County**.

**54-00044: Middleport Materials** (P. O. Box 189, Telford, PA 18969) for a Natural Minor Operating Permit for sand and gravel in Middleport Township, **Schuylkill County**.

**54-00048: ISG Resources, Inc.** (1000 Cobb Place Blvd., Bldg. 400, Kennesaw, GA 30144) for a Natural Minor Operating Permit for Nonmetallic minerals in Porter Township, **Schuylkill County**.

**54-00049: Federal Corrections Institute—FCI Schuylkill** (P. O. Box 700, Minersville, PA 17954) for a Natural Minor Operating Permit for boilers in Butler Township, **Schuylkill County**.

**64-00004: Honesdale Woodcraft Corp.** (R. R. 2, Box 1320, Honesdale, PA 18431) for a Natural Minor Operating Permit for wood furniture manufacturing in Cherry Ridge Township, **Wayne County**.

**64-00009: Laovshaw An ITW Co.** (P. O. Box 83, Route 296, South Canaan, PA 18459) for a Natural Minor Operating Permit for Manufacture print and packaging equipment in South Canaan Township, **Wayne County**.

**58-313-001A: Envirocycle, Inc.** (Route 81, Exit 230, P. O. Box 899, Hallstead, PA 18822) for operation of a materials blending and conveying system and the associated air cleaning device at the facility in Great Bend Township, **Susquehanna County**.

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

**01-03011: Dal-Tile Corp.** (211 North Fourth Street, Gettysburg, PA 17325-1694) for operation of its ceramic floor and wall tile products facility in Bendersville Borough, **Adams County**. The facility has the potential to emit around 32 TPY of SO<sub>x</sub>, 17 TPY of PM, 15 TPY of CO, 3 TPY of NO<sub>x</sub>, 2 tons of VOCs and 2 TPY of hydrogen fluoride (all after control). The Natural Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emis-

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

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

**37-00185: Universal Refractories, Inc.** (915 Clyde Street, Wampum, PA 16157) for a Natural Minor Permit to operate a magnesium oxide processing line and a refractory manufacturing facility in Wampum Borough, **Lawrence County**.

**25-00891: Corry Contract Inc.** (21 Maple Avenue, Corry, PA 16407) for a Synthetic Minor Permit to operate an office furniture manufacturing facility in the City of Corry, **Erie County**.

## 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 Control Disposal 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*

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

**54020201. Stoudt's Ferry Preparation Co., Inc.** (P. O. Box 279, St. Clair, PA 17970), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 30.0 acres, receiving stream: none (no discharge). Application received: January 29, 2002.

**54020101. Summit Anthracite, Inc.** (R. R. 1 Box 12A, Klingerstown, PA 17941), commencement, operation and restoration of an anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 300.0 acres, receiving stream: East Branch Rausch Creek—classified for the following use: cold water fishery. Application received: January 30, 2002.

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

**03010104. Blackridge Associates, Inc.** (R. D. 7, Box 375B, Kittanning, PA 16201). Application for commencement, operation and reclamation of a bituminous surface mining site located in Gilpin Township, **Armstrong County**, proposed to affect 60.2 acres, is hereby cancelled. Receiving streams: unnamed tributaries to Allegheny River and to Allegheny River. Application received: August 23, 2001. Application cancelled: February 5, 2002.

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

**32860106 and NPDES Permit No. PA0597643. Kent Coal Mining Company**, P. O. Box 219, Shelocta, PA 15774, permit renewal for reclamation for continued restoration of a bituminous surface mine in Blacklick Township, **Indiana County**, affecting 233.1 acres. Receiving streams: four unnamed tributaries to Aultmans Run and Aultmans Run classified for the following uses: Trout Stock Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 5, 2002.

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

**1475-37010102-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries 4A but no closer than 25 feet and within 100 feet of tributary 4B but no closer than 55 feet in Wayne Township, **Lawrence County**, classified for the

following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Receiving streams: unnamed tributary to Beaver Run. Application received: February 5, 2002.

#### *Noncoal Applications Received*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**18022801. Clinton County Solid Waste Authority**, P. O. Box 209, McElhattan, PA 17748-0209. Commencement, operation and restoration of a Small Industrial Minerals Permit (10,000 Tons) in Wayne Township, **Clinton County** affecting 5 acres. Receiving streams: West Branch Susquehanna River, tributary to Susquehanna River. Application received: January 8, 2002.

**08020801. Jerry L. Johnson**, R. R. 1, Box 179A-1, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals Permit in Wilnot Township, **Bradford County** affecting 5.0 acres. Receiving streams: unnamed tributary to Sugar Run Creek, tributary to Sugar Run. Application received: January 16, 2002.

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

**37020301 and NPDES Permit No. PA 0242071. William H. Mayberry** (R. R. 1, Box 155, New Castle, PA 16101-9515). Commencement, operation and restoration of a sand and gravel operation in North Beaver Township, **Lawrence County** affecting 120.7 acres. Receiving streams: unnamed tributary to Beaver River, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received: January 31, 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.

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**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)).**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E39-409. Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052, in Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 352 foot long twin cell concrete box stream enclosure having cell dimensions of 17 feet x 4 feet in a tributary to Coplay Creek (CWF). The project is located in the Whitehall Township Municipal Complex immediately southeast of the intersection of S.R. 0145 (MacArthur Road) and Municipal Drive. (Cementon, PA, Quadrangle N: 5.7 inches; W: 1.0 inch).

**E54-294. West Penn Township**, R. R. 1, Box 100D, New Ringgold, PA 17960, in West Penn Township, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a precast concrete bridge, having a span of 24 feet and an approximate underclearance of 6.7 feet across Mahoning Creek (CWF). The project is located on Berry Road (T-954) immediately south of the intersection with Mill Head Road (T-952). (Nesquehoning, Quadrangle N: 5.0 inches; W: 13.2 inches).

**E54-293. West Penn Township**, R. R. 1, Box 100D, New Ringgold, PA 17960, in West Penn Township, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a precast concrete bridge, having a span of 19 feet and an approximate underclearance of 5 feet across Mahoning Creek (CWF). The project is located at the intersection of Valley Park Road (T-932) and Mahoning Creek. (Tamaqua, Quadrangle N: 2.9 inches; W: 0.9 inch).

**E45-424. Brier Crest Woods Property Association**, P. O. Box 236, Blakeslee, PA 18347, in Tunkhannock Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 6-inch diameter water intake structure in Brier Crest Woods Lake (HQ-CWF) to be used as a dry hydrant for fire protection. The project is located along Elk Drive approximately 0.5 mile southwest

of the intersection of S.R. 0903 and S.R. 0115. (Blakeslee, Quadrangle N: 4.5 inches; W: 3.8 inches).

**E48-321. Brian and Sandra Lower**, One Cambridge Place, Catasauqua, PA 18032-1010, in Allen Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain a private foot bridge having a single span of 34 feet and underclearance of approximately 4.2 feet across Catasauqua Creek (CWF). The project is located 450 feet southeast of Township Road T-482 (Bullshead Road), approximately 0.4 mile south of S.R. 3017 (Weaversville Road). (Catasauqua, Quadrangle N: 10.6 inches; W: 11.0 inches).

**E54-295. Branch/Cass Regional Sewer Authority**, P. O. Box 309, Llewellyn, PA 17944, in Branch Township, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain five sanitary sewer utility line stream crossings of West Creek (CWF) which are associated with the proposed 13 mile joint regional sewer system. (Minersville, Quadrangle N: 4.0 inches; W: 7.5 inches).

**E48-320. Plainfield Township**, 6292 Sullivan Trail, Nazareth, PA 18064, in Plainfield Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain twin 12-foot x 4.5-foot concrete box culverts in Waltz Creek (TSF). The project is located along Township Road T-666 (Bocce Club Road), just west of its intersection with T-664 (Jory Road). (Bangor, Quadrangle N: 19.1 inches; W: 16.8 inches).

**E58-246. Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501, in Rush Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 2-span prestressed spread box beam bridge, having clear normal spans of approximately 81 feet each and an underclearance of approximately 32 feet, across East Branch Wyalusing Creek (CWF). The project is located along S.R. 3023, Section 570, approximately 500 feet south of the intersection of S.R. 0706 and S.R. 3023. (Lawton, Quadrangle N: 5.8 inches; W: 6.2 inches).

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

**E05-301. Earl Neiderhiser, Pennsylvania Department of Transportation District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in West St. Clair Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a single span concrete bridge over Dunning Creek (WWF) on SR 0056, Segment 0170, Offset 0000 and to fill in 0.10 acre of wetland in order to realign Chestnut Market Ridge Road (T-554) and Dunning Creek (T-671) within the 100-year floodplain of Dunning Creek located about 1.3 miles southwest of Pleasantville Borough (Alum Bank, PA Quadrangle N: 7.62 inches; W: 12.65 inches) in West St. Clair Township, Bedford County.

**E07-356. Earl Neiderhiser, Pennsylvania Department of Transportation District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Logan Township, **Blair County**, ACOE Baltimore District.

To remove the existing two span steel I-beam bridge and to construct and maintain a single span prestressed

adjacent box beam bridge across Burgoon Run (TSF) on 58th Street near its intersection with Valley Avenue (Hollidaysburg, PA Quadrangle N: 20.12 inches; W: 8.15 inches) in Logan Township, Blair County.

**E21-336. John Bard**, Shippensburg Township, 81 Walnut Bottom Road, Shippensburg, PA 17257 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To maintain a previously constructed salt storage shed in the floodway of Burd Run (CWF) located on the north side of Walnut Bottom Road about 800 feet west of its intersection with Cleaversburg Road (LR 21050) (Walnut Bottom, PA Quadrangle N: 10.7 inches; W: 17.4 inches) in Shippensburg Township, Cumberland County.

**E36-724. Lancaster County Commissioners**, 50 N. Duke Street, Lancaster, PA 17606 in Lancaster Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing two span steel through truss bridge and construct and maintain a two span prestressed concrete box beam replacement bridge across the Little Conestoga Creek (WWF) at a point along School House Road approximately 300 feet northwest of the intersection of School House Road and Stone Mill Road along School House Road (Lancaster, PA Quadrangle N: 5.2 inches; W: 13.5 inches) in Lancaster Township, Lancaster County.

**E36-725. Lancaster County Commissioners**, 50 N. Duke Street, Lancaster, PA 17606 in Manor Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing 46-foot span concrete through girder bridge and construct and maintain a 70-foot span prestressed concrete box beam replacement bridge across the Little Conestoga Creek (WWF) at a point along Owl Bridge Road (T-583) approximately 1,800 feet northeast of the intersection of Sheep Lane and Owl Bridge Road along Owl Bridge Road (Safe Harbor, PA Quadrangle N: 19.8 inches; W: 0.4 inch) in Manor Township, Lancaster County.

**E38-131. Robin Hemperly, Myerstown Borough**, 101 East Washington Avenue, Myerstown, PA 17067 in Myerstown Borough, **Lebanon County**, ACOE Baltimore District.

To construct and maintain a stream restoration project (approximately 800 feet) within Tulpehocken Creek (CWF) for the purposes of stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes and J-hooks, riprap, root wad and log spur placement to be located at a point or points within the Myerstown Borough Community Park (Richland, PA Quadrangle N: 21.5 inches; W: 7.4 inches) in Myerstown Borough, Lebanon.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D36-295. Elizabethtown College**, One Alpha Drive, Elizabethtown, PA 17022. To operate and maintain Lake Placida Dam across Conoy Stream (TSF), for the purpose of aesthetics and water supply for fire protection (Elizabethtown, PA Quadrangle N: 5.0 inches; W: 12.7 inches) in Elizabethtown Borough, **Lancaster County**.

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

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

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

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

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

**NPDES Permit No. PA-0070386**, Sewage, **Shenandoah Municipal Sewer Authority**, 15 West Washington Street, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: to renew permit to discharge treated wastewater to Shenandoah Creek.

**WQM Permit No. 4501408**, Sewerage, **Pinecrest Development Corporation**, P. O. Box 760, Pocono Pines, PA 18350. This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: The expansion of its existing STP from 49,000 gpd to 100,000 gpd. The upgrade will include the construction of a second SBR, a 35,000 gallon influent equalization tank and an additional tertiary filter.



**WQM Permit No. 3901402**, Sewerage, **Lehigh Valley Water Company, LLC (Arcadia West Industrial Park)**, 54 South Commerce Way, Suite 175, Bethlehem, PA 18017-8966. This proposed facility is located in Weisenberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Construction of wastewater collection and treatment system.

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

**NPDES Permit No. PA0086151**, Sewerage, **P. C. S. Chadaga, Harmony Estates Mobile Home Park**, 110 Inverness Drive, Blue Bell, PA 19422. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Conodoquinet Creek in Watershed 7-B.

**WQM Permit No. 0601409**, Sewerage, **Birdsboro Municipal Authority**, 113 East Main Street, Birdsboro, PA 19508. This proposed facility is located in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization for modifications for the construction/operation of Sewage Treatment Facilities.

**WQM Permit No. 2101412**, Sewerage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055-5698. This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewers and Appurtenances.

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

**WQM Permit No. 1901403**, Sewerage, **Columbia Montour Area Vo-Tech School**, 5050 Sweppenheiser Drive, Bloomsburg, PA 17815. This proposed facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant to replace the existing plant serving the Vo-Tech School.

**NPDES Permit No. PA0114715**, Sewerage 4952, **Hemlock Municipal Sewer Cooperative**, P. O. Box 243, Bloomsburg, PA 17851. This existing facility is located in Montour Township, **Columbia County**.

Description of Proposed Action/Activity: Renewal of permit for municipal wastewater treatment facilities.

**NPDES Permit No. PA0111058**, Sewerage 4952, **TravelCenters of America**, 5600 Nittany Valley Drive, P. O. Box 278, Lamar, PA 16848-0278. This existing facility is located in Porter Township, **Clinton County**.

Description of Proposed Action/Activity: renewal of permit for nonmunicipal wastewater treatment facilities.

**NPDES Permit No. PA0209325**, Industrial Waste 2851, **Chemcoat Inc.**, 2801 Canfields Lane, P. O. Box 188, Montoursville, PA 17754-0118. This proposed facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge treated ground water from remediation.

**WQM #5901404 New**, Sewerage Publicly Owned—Municipal, **Elkland Borough Authority**, 105 Parkhurst

St, Elkland, PA 16920-1140. This proposed facility is located in Elkland Borough, **Tioga County**.

Description of Action: Water Quality Management Part II, Sewage.

**WQM #1401408 New**, Sewerage Nonpublicly Owned—Nonmunicipal, **Donald Basalla**, 1557 Bush Hollow Road, Julian, PA 16844. This proposed facility is located in Union Township, **Centre County**.

Description of Action: Water Quality Management Part II, Sewage.

**NPDES #PA0209457 Transfer**, Industrial Waste, **Craftmaster Mfg. Inc.**, P. O. Box 311, Towanda, PA 18848. This existing facility is located in Wysox Township, **Bradford County**.

Description of Action: NPDES Permit Industrial Wastewater Discharge Minor.

**NPDES #PA0228044 Amendment**, Sewerage Nonpublicly Owned—Nonmunicipal, **Steve Petuck**, 35 Connecticut Ave, Greenwich, CT 06830. This existing facility is located in Bradford Township, **Clearfield County**.

Description of Action: NPDES Permit for New and Existing Sewage Discharger, Municipal, Minor.

**NPDES #PA0228478 New**, Sewerage Publicly Owned—Municipal, **East Chillisquaque Township**, 305 James St, Milton, PA 17847. This proposed facility is located in East Chillisquaque Township, **Northumberland County**.

Description of Action: NPDES Permit for New and Existing Sewage Discharger, Municipal, Minor.

**WQM #4901405 New**, Sewerage Publicly Owned—Municipal, **East Chillisquaque Township**, 305 James St, Milton, PA 17847. This proposed facility is located in East Chillisquaque Township, **Northumberland County**.

Description of Action: Water Quality Management Part II, Sewage.

**WQM #0895201 Transfer**, Industrial Waste, **Craftmaster Mfg Inc.**, P. O. Box 311, Towanda, PA 18848. This existing facility is located in Wysox Township, **Bradford County**.

Description of Action: Water Quality Management Part II, Industrial Wastewater.

**WQM #4901201 New**, Industrial Waste, **Merck & Co. Inc.**, P. O. Box 1000, North Wales, PA 19454-1099. This proposed facility is located in Riverside Borough, **Northumberland County**.

Description of Action: Water Quality Management Part II, Industrial Wastewater.

**WQM #0897202 Transfer**, Industrial Waste, **Craftmaster Mfg. Inc.**, P. O. Box 311, Towanda, PA 18848. This existing facility is located in Wysox Township, **Bradford County**.

Description of Action: Water Quality Management Part II, Industrial Wastewater.

**WQM #0897201 Transfer**, Industrial Waste, **Craftmaster Mfg Inc.**, P. O. Box 311, Towanda, PA 18848. This existing facility is located in Wysox Township, **Bradford County**.

Description of Action: Water Quality Management Part II, Industrial Wastewater.

**WQM #0897201 Transfer**, Industrial Waste, **Craftmaster Mfg. Inc.**, P. O. Box 311, Towanda, PA 18848. This existing facility is located in Wysox Township, **Bradford County**.

Description of Action: Water Quality Management Part II, Industrial Wastewater.

**NPDES #PA0008451 Amendment**, Industrial Waste, **Sunbury Generation LLC**, 677 Baeten Rd, Green Bay, WI 54304. This existing facility is located in Monroe Township, **Snyder County**.

Description of Action: NPDES Permit for New and Existing Industrial Discharger, Major.

**NPDES #PA0111066 New**, Industrial Waste, **USR Metals Inc**, 4150B Old Berwick Rd, Bloomsburg, PA 17815-3413. This proposed facility is located in South Centre Township, **Columbia County**.

Description of Action: NPDES Permit Industrial Wastewater Discharge Minor.

**NPDES #PA0114324 Renewal**, Sewage Nonpublicly Owned—Nonmunicipal, **Demorgan Acres**, R. R. 2 Box D38, Canton, PA 17724-9802. This existing facility is located in Canton Township, **Bradford County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal—Minor.

**WQM #4173406T1 Transfer**, Sewage Nonpublicly Owned—Nonmunicipal, **Andrew W. Charles**, 3078 Rt. 42 Hwy, Unityville, PA 17774. This existing facility is located in Jordan Township, **Lycoming County**.

Description of Action: Water Quality Management Part II, Sewage.

**WQM #1401409 New**, Sewage Nonpublicly Owned—Nonmunicipal, **Michael Read**, 1870 Sunnyside Rd, Port Matilda, PA 16870. This proposed facility is located in Worth Township, **Centre County**.

Description of Action: Water Quality Management Part II, Sewage.

**NPDES #PA0112607 Renewal**, Sewage Nonpublicly Owned—Nonmunicipal, **Pepper Hills LTD**, R. R. 4 Box 139A, Danville, PA 17821-9804. This existing facility is located in Cooper Township, **Montour County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal—Minor.

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

**NPDES Permit No. PA0094510**, Industrial Waste, **U. S. Steel, Mon Valley Works**, 13th and Braddock Avenues, Braddock, PA 15104 is authorized to discharge from a facility located at the Edgar Thomson Plant, North Braddock Borough, **Allegheny County** to receiving waters named Monongahela River.

**Permit No. 0401405**, Sewerage, **Gary Norton**, 1308 Slippery Rock Road, Slippery Rock, PA 16057. Construction of a single residence sewage treatment facility located in Big Beaver Borough, **Beaver County** to serve the Norton Single Family Residence Sewage Treatment Facility.

**Permit No. 2601404**, Sewerage, **Luzerne Township Sewage Authority**, 415 Hopewell Road, Brownsville, PA 15417-9542. Construction of pump station, force main, gravity sewers, pressure sewers, sewage treatment facilities located in Luzerne Township, **Fayette County** to serve the Villages of LaBelle, Dutch Hill and Maxwell.

**Permit No. 6501411**, Sewerage, **John E. Hixon**, 100 Greensburg Street, Delmont, PA 15626. Construction of STP to serve commercial establishment located in Washington Township, **Westmoreland County** at John E. Hixon Small Flow STP.

**NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

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

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

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

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G407	Commonwealth Construction and Development, Inc. 101 Steeplechase Circle Phoenixville, PA 19460	Chester	UNT to French Creek (HQ-TSF-MF)	Same

<i>NPDES No. Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G496	Stephen E. Cushman P. O. Box 294 Thorndale, PA 19372	Chester	Birch Run (HQ)	Same

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y063	Harry Fox, Jr. 241 Old York Road Dillsburg, PA 17019	York	Fairview Township	Tributary to Silver Lake (WWF)

### APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of this 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 of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
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>
Lower Makefield Township Bucks County	PAR10D513	Quakertown Group Bucks, LP 1103 Laurel Oak, Suite 105 Voorhees, NJ	Brock Creek (WWF)	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>
Middletown Township Bucks County	PAR10565	JDA Development Company 29 South Main Street Hartford, CT	Mill Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D570	Kenneth B. Coles P. O. Box 245 Holicong, PA 18925	Watson Creek (CWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Makefield Township Bucks County	PAR10D574	Keith D. Brown P. O. Box 70 Newtown, PA	Tributary to Core Creek (CWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Chalfont Borough Bucks County	PAR10D579	Select Properties 2312 North Broad Street Colmar, PA 18915	UNT to Neshaminy Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Makefield Township Bucks County	PAR10D581	Reverend Samuel Shoemaker 999 Reading Avenue Yardley, PA 19067	Delaware River (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAR10D583	Ronald Mintz 242 Bristol Road Warrington, PA 18976	UNT to Neshaminy Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAR10D592	Pennridge School District 1506 North 5th Street Perkasie, PA 18944-2295	Pleasant Spring Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAR10D594	Heritage Building Group 3326 Old York Road Furlong, PA 18925	Pleasant Spring Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Solebury Township Bucks County	PAR10D595	Lucus Construction Company 21 Marian Circle Chalfont, PA 18914	Delaware River (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D603	Frank J. Kelly 203 Bucks Road Holland, PA 18923	North Branch Neshaminy Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D604	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA	Mill Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAR10D614	Red Stone Woods, LP 2421 Bristol Road Warrington, PA 18976	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

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<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>
Doylestown Borough Bucks County	PAR10D616	GPH Richland Corporation 721 Dresher Road Horsham, PA 19044	Cooks Run/Neshaminy Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAR10D617	Bariatric Care Centers 24 Frank Lloyd Wright Drive Ann Arbor, MI	Queen Ann Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warwick Township Bucks County	PAR10D620	Warwick Township 1733 Township Greene Jamison, PA	Neshaminy Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Township Bucks County	PAR10D626	Holland Enterprises 139 Buck Road, Suite 201 Holland, PA	Rail Road Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton Township Bucks County	PAR10D365-1	DeLuca Enterprises 114 Main Street, New Hole, PA 18938	Mill Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franklin Township Chester County	PAR10G456	Brandolini 1200 Burning Bush Lane West Chester, PA 19380	Tributary East Branch White Clay Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Caln Township Chester County	PAR10G427	Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Beaver Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Caln Township Chester County	PAR10G433	St. Martha Nursing Home 470 Manor Avenue Downingtown, PA	Beaver Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAR10G466	Charles Wilkinson 1020 Broad Run Road Landenberg, PA 19320	White Clay (TSF-MF-CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAR10T826	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Tributary to Plymouth Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T771	Heritage Building Group, Inc. 3326 Old York Road Furlong, PA 18925	Neshaminy Creek (TSF-M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitpain Township Montgomery County	PAR10T772	Henkels and McCoy, Inc. 985 Jolly Road Blue Bell, PA 19422	Tributary to Stony Creek (TSF)	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>
Limerick Township Montgomery County	PAR10T777	Heritage Building Group 3326 Old York Road Furlong, PA 18925	Landis Brook Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Hanover Township Montgomery County	PAR10T751	Mark Jones 310 West 12th Avenue Conshohocken, PA 19428	UNT to Stony Run Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Town- ship Montgomery County	PAR10T803	Greene Tweed and Company P. O. Box 305 Kulpsville, PA 19443	Tributary to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Monroe County Smithfield Township	PAR10S033	Twin Lake Estates Property Owners Assn. P. O. Box 671 Marshalls Creek, PA 18335	Unnamed tributary to Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Schuylkill County Wayne Township	PAR105832	Pusti Margia Vashnar Samaj of North America Praven Desai 15 Manor Rd. Schuylkill Haven, PA 17972	Unnamed tributary to Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
East Lampeter Township Lancaster County	PAR10O517	River Bend Limited Partnership 2130 Marietta Pike Lancaster, PA 17607	Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAR10O520	Centerville Assocs. LTD 987 Chapel Forge Court Lancaster, PA 17601	West Branch Little Conestoga Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR10O527	Community Fellowship Church 216 Bethel Dr. Lancaster, PA 17601	Little Conestoga Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Penn Township Lancaster County	PAR10O549	Noah Kreider 1461 Lancaster Rd. Manheim, PA 17545	UNT Chickies Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Upper Allen Township Cumberland County	PAR10H275	Hugh Simpson Gray Drive L.P. 619 South Market St. Mechanicsburg, PA 17055	UNT to Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
East Pennsboro Township Cumberland County	PAR10H037-R1	Mike Green Floribunda Associates, L.P. 4075 Market Street Camp Hill, PA 17011	Conodoquinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812

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<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>
Wrightsville Borough York County	PAR10Y569	Wrightsville Elementary School Eastern York School District P. O. Box 150 Cool Creek Road Wrightsville, PA 17368	Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Berwick Borough Salem Township Columbia County	PAR102151	Berwick Area School District 500 Line St. Berwick, PA 18603	Thompson Run Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815 (570) 784-1310
<i>General Permit Type—PAG-3</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>
Lehigh County Allentown City	PAR232210	AERC.com, Inc. 2591 Mitchell Avenue Allentown, PA 18103-6609	Trout Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711
Juniata County Delaware Township	PAR223528	Triangle Pacific Corp. Old Route 22 Thompsontown, PA 17904	UNT to Juniata River / CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123536	Hershey Food Corporation 100 Crystal A Drive P. O. Box 810 Hershey, PA 17033-0810	UNT to Swatara Creek	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Girard Township Clearfield County	PAR224820	Kovalick Lumber Company R. R. 1, Box 258 Frenchville, PA 16836	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Westfield Township Tioga County	PAR134803	Westfield Tanning Company 360 Church Street Westfield, PA 16950	Mill Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Curwensville Borough Clearfield County	PAR134804	Wickett & Craig of America Inc. 120 Cooper Road Curwensville, PA 16833	Storm Drain to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Troy Township Bradford County	PAR224823	Oak Hill Veneer, Inc. P. O. Box 304 Troy, PA 16947	North Branch Sugar Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Wayne Township Clinton County	PAG504804	Clinton County Solid Waste Authority P. O. Box 209, SR 1005 McElhattan, PA 17748-0209	UNT to West Branch Susquehanna River (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Williamsport Lycoming County	PAR604807	Staiman Brothers, Inc. P. O. Box 1235 Williamsport, PA 17703	West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delaware Township Northumberland County	PAR214814	Watsonstown Brick Co. P. O. Box 68 Watsonstown, PA 17777- 0068	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Williamsport City Lycoming County	PAR804808	Bureau of Transportation 1500 W. Third St. Williamsport, PA 17701	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Clinton Township Lycoming County	PAR224836	Springs Window Fashions, LP P. O. Box 500 Montgomery, PA 17752- 0500	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
West Burlington Township Bradford County	PAR504803	Northern Tier SWA P. O. Box 10 Burlington, PA 18814- 0010	Morris Run Coal Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
West Burlington Township Bradford County	PAR504802	Northern Tier SWA P. O. Box 10 Burlington, PA 18814- 0010	Sugar Creek Mill Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666



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<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>
Rome Township Bradford County	PAR224829	Mountain Hardwoods Inc. R. R. 3 Box 3130 Rome, PA 18837	Wysox Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Clinton Township Lycoming County	PAR224807	Springs Window Fashions, LP P. O. Box 500 Montgomery, PA 17752-0500	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
McClure Borough Snyder County	PAR204805	Lozier Corp. 6336 Pershing Dr. Omaha, NE 68110	S. Branch Middle Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Armstrong Township Lycoming County	PAR804814	Gulf Oil LTD Partnership P. O. Box 9151 Chelsea, MA 02150-9151	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Wysox Township Bradford County	PAR224806	Craftmaster Mfg. Inc. P. O. Box 311 Towanda, PA 18848	UNT to Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Point Township Northumberland County	PAR704803	Viking Energy Northumberland R. R. 2, Box 482D Northumberland, PA 17857-9622	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Muncy Township Lycoming County	PAR114801	Andritz Inc. 35 Sherman St. Muncy, PA 17756-1227	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delaware Township Northumberland County	PAR234810	FB Leopold Co. 227 S. Division St. Zelienople, PA 16063-1397	UNT to Spring Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Plum Borough Allegheny County	PAR236118	Industrial Terminal Systems Inc. P. O. Box 4127 New Kensington, PA 15068	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<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>
Anthony Township Montour County	PAG044903	Sandra and William Malinich R. R. 1 Box 132 Turbotville, PA 17772-9513	UNT to McKee Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Union Township Centre County	PAG045127	Donald Basalla 1557 Bush Hollow Road Julian, PA 16844	UNT to Bush Hollow Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Washington Township Snyder County	PAG044937	Jeanette and Richard Moore 160 W. 84th St. New York, NY 10024-4665	Dry Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Orange Township Columbia County	PAG044945	William Bullock R. R. 5 Box 468 Bloomsburg, PA 17815-8958	UNT to W. Branch Briar Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Worth Township Centre County	PAG045132	Michael Read 1870 Sunnyside Rd. Port Matilda, PA 16870	UNT to Sunnyside Hollow Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Jordan Township Lycoming County	PAG045134	Andrew W. Charles 3078 Rt. 42 Hwy. Unityville, PA 17774	UNT to W. Branch Muncy Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Madison Township Columbia County	PAG044914	Robert and Shirley Hack R. R. 9 Box 239 Bloomsburg, PA 17815-9788	Mud Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Big Beaver Borough Beaver County	PAG046246	Gary Norton 1308 Slippery Rock Road Slippery Rock, PA 16057	Tributary to Wallace Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<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>
Benner Township Centre County	PAG074826	University Area Joint Authority 1576 Spring Valley Rd. State College, PA 16801-8401	UAJA Sewage Treatment Plant— Spring Creek PCF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-8*

<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>
Earl Township Lancaster County	PAG083566	New Holland WWTP Borough of New Holland 436 East Main Street New Holland, PA 17557		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ulysses Township Potter County	PAG084825	Ulysses Municipal Authority 522 Main St. Ulysses, PA 16948-0392	Ulysses Municipal Authority Sewage Treatment Plant	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655 Bill Hanczar

*General Permit Type—PAG-9*

<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>
Wilmot Township Bradford County	PAG094827	Lewis B. Crawford Crawford's Septic Cleaning R. R. 1, Box 49 Sugar Run, PA 18846-9723	Crawford's Septic Cleaning Wilmot Township Potter County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655 Bill Hanczar

*General Permit Type—PAG-9 (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>
Todd Township Fulton County	PAG093536	Ramsey's Septic Service 6834 Cito Road McConnellsburg, PA 17233	Clevenger Farm Todd Township Fulton County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707

*General Permit Type—PAG-12*

<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>
Tulpehocken Township Berks County	PAG123528	Clair H. Wenger 67 New Schaefferstown Road Bernville, PA 19506	UNT to Little Northkill Creek/CWF	DEP Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200
Northeast Madison Township Perry County	PAG123527	Taylor E. Miller III (Ted Miller Farm CAFO) R. R. 1, Box 144C Ickesburg, PA 17037	UNT to Bixler Run/CWF	DEP Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200
Terry Township Bradford County	PAG124810	Gerald Vargason R. R. 2 Wyalusing, PA 18853	UNT to Sugar Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

**PUBLIC WATER SUPPLY PERMITS**

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 3801503 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>City of Lebanon Authority</b>
Municipality	City of Lebanon
County	<b>Lebanon</b>
Type of Facility	Relocation of the ammonia feed point from the combined filter effluent to the clearwell effluent.
Consulting Engineer	Gene C. Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Operate Issued:	February 6, 2002

**Permit No. 5001501, Public Water Supply.**

Applicant	<b>Republic Development Corp.</b>
Municipality	Newport Borough

County **Perry**

Type of Facility Construction Permit for Well No. 3 of the Hillside Manor Development community water system. Well No. 3, which is to be operated at a rate of 10 gpm, will be used to replace existing Well No. 1. Treatment will be provided via existing, previously permitted facilities.

Consulting Engineer Gene C. Koontz, P.E.  
Gannett Fleming, Inc.  
P. O. 67100  
Harrisburg, PA 17106-7100

Permit to Construct February 6, 2002  
Issued:

**Permit No. 2101505**, Public Water Supply.

Applicant **Pennsylvania American Water Company of Pennsylvania**

Municipality Hampden Township

County **Cumberland**

Type of Facility Construction of the Whelan Crossing and Westbury booster pump stations.

Consulting Engineer Gene C. Koontz, P.E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct February 6, 2002  
Issued:

*Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. Minor Amendment**, Public Water Supply.

Applicant **Houtzdale Municipal Authority**

Township Rush Township

County **Centre**

Type of Facility PWS—approval for construction of new upper and lower intakes on Mountain Branch of Moshannon Creek to replace existing intakes.

Consulting Engineer Uni-Tec Consulting Engineers, Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit to Construct February 6, 2002  
Issued

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act of October 4, 1978 (32 P. S. § 680.9).**

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plan No. SWMP 089:09, Delaware River (North), Stormwater Management Plan Update**, as submitted by **Bucks County**, was approved on January 16, 2002.

**Plan No. SWMP 315:09, Tohickon Creek, Stormwater Management Plan Update**, as submitted by **Bucks County**, was approved on January 16, 2002.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sewickley Township	c/o Lois E. Brandstetter, Secretary 361 Mars Hill Road Herminie, PA 15642	Westmoreland County

Plan Description: The approved plan provides for the sewerage of Andrews Run Watershed (Herminie Area) and the construction of a new sewage treatment plant. 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.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**NOTICE OF PROPOSED INTERIM RESPONSE TRI-STATE RECOVERY, KENNEDY TOWNSHIP, ALLEGHENY COUNTY**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1305), is proposing an interim response at Tri-State Petroleum Recovery Site (Site). The Site is located at 12 Creek Road, Kennedy Township, Allegheny County, PA.

Tri-State Petroleum Recovery, Inc. (Tri-State) purchased the facility from City Waste & Road Oil Service in 1989. The name was changed to Tri-State on January 1, 1990. Tri-State operated an unpermitted waste oil transfer facility from 1989—1998. Tri-State has stored and processed millions of gallons of waste oil at its facility since 1989. A residual waste transfer station permit was issued to Tri-State by the Department on June 16, 1998. Tri-State is presently engaged in accepting nonhazardous aqueous, solid and semisolid oil materials for recycling into industrial alternative fuels and lubricants.

Inspections conducted from 1996—2000 revealed numerous violations of the Solid Waste Management Act and The Clean Streams Law, including processing, transferring and disposing of used oil/waste oil at the Site without a permit. Areas of the Site were observed to be visibly contaminated and approximately 250 drums were observed onsite. Tri-State also indicated that transformers were dismantled at the site prior to 1989.

The Department and Tri-State signed a Consent Order and Agreement (COA) on December 22, 1997, to address the previously noted violations. The COA required Tri-State to obtain a transfer permit, construct a new containment area for future operations, characterize and remove all drummed wastes onsite, conduct a Site investigation and submit a Notice of Intent to Remediate based on the investigation. Tri-State has not complied with all of the conditions of the COA.

A site investigation plan was submitted and sampling was conducted by Tri-State in August 2000. The Site

investigation revealed the presence of hazardous substances in the Site soils and groundwater.

The Department is currently negotiating a second COA with Tri-State. This COA will require Tri-State to provide monthly payments to the Department until the costs of the Department's response actions are recovered. The COA will also require Tri-State to issue a notice on the property deed acknowledging the presence of hazardous materials on the Site and place a lien on the property for the cost of the Department's response actions.

The Department has considered several alternatives for a response at the Site including: no action; restricting the site; and conducting an investigation.

The Department has determined that conducting a further investigation at the Site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the Site to protect human health and the environment. The Department's proposed action is intended to fully characterize the Site and enable the Department to determine the most appropriate method to remediate the Site.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from February 23, 2002, until May 24, 2002. Persons may submit written comments into the record during this time only by sending the comments to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

Persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on April 10, 2002, at 7 p.m. at the Kennedy Township Municipal Building, 304 Forest Grove Road, Coraopolis, PA 15108. Persons wishing to present comments at the hearing must register before March 25, 2002, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA); the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) (CERCLA); and section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17) has entered into a

proposed settlement with Norfolk Southern Railway Company and Pennsylvania Lines LLC (collectively Settlers).

The proposed settlement resolves claims of the Department with the Settlers under the HSCA and under the CERCLA for response costs incurred and to be incurred by the Department at the Raymark Manheim Lower Landfill Site (Site) located in Manheim Borough, Lancaster County, PA.

Based upon the information that the Department has obtained concerning the Settlers and the Site and based upon the information certified by the Settlers, the Department has determined that the Settlers: (1) did not conduct or permit the generation, transportation, storage, treatment or disposal of any hazardous substances at the Site; (2) did not contribute to the release or threatened release of hazardous substances at the Site through any act or omission; and (3) acquired the right-of-way within the Site with no actual knowledge that the right-of-way was used for the generation, transportation, storage, treatment or disposal of any hazardous substances.

The Department believes that the Consent Order and Agreement (COA) is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of and HSCA and CERCLA.

For a period of 60 days beginning with the February 23, 2002, publication date of this notice, the public is invited to review the COA, Monday through Friday, from 8 a.m. to 4 p.m., at the Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Richard Morgan at (717) 705-4844. The Consent Decree can also be reviewed at the Manheim Borough Building, 15 East High Street, Lancaster, PA 17545 from 8 a.m. to 4:30 p.m. by contacting Donna Lynn Lopez at (717) 665-2461.

After review, the public may submit written comments on the COA before April 23, 2002, by mailing them to Richard Morgan at the Department's Harrisburg Office at the address previously noted. A person adversely affected by the settlement may also file an appeal from the COA to the Environmental Hearing Board.

Questions concerning this notice should be directed to Richard Morgan at the telephone number and address previously noted.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summa-

ries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

**New Council Rock High School**, Northampton Township, **Bucks County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 W. Main St., Trappe, PA 19426, on behalf of The Council Rock School District, Robert McAuliffe, P.E., Business Mgr., 301 Twining Ford Rd., Richboro, PA 18954, has submitted a Final Report concerning remediation of site groundwater contaminated with lead, BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Richard Valerio Property**, East Coventry Township, **Chester County**. Robert Carey, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, on behalf of Richard Valerio, 1894 Old Schuylkill Rd., Spring City, PA 19475, has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Olympic Motors Used Car Lot**, Ridley Township, **Delaware County**. Robert F. Murphy, RFM Environmental Consultants, 287 Peel Rd., Langhorne, PA 19047, on behalf of Lexis Lax, 1201 MacDade Blvd., Folsom, PA 19033, has submitted a Final Report concerning remediation of site soil contaminated with lead and BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lehigh Valley Dairies, Inc.**, Upper Gwynedd and Towamencin Townships, **Montgomery County**. David Kile, Applied Engineering & Science, Inc., 2261 Perimeter Park Drive, Atlanta GA 30341, on behalf of Tuscan/Lehigh Dairies LP, Union, NJ 07083, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX, polycyclic aromatic hydrocarbons and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Kellers Creamery**, Franconia Township, **Montgomery County**. Peter A. Malik, III, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Sodiaal North American Corp., East King St., Strasburg, VA 22657, has submitted a Final Report concerning remediation of site groundwater contaminated with lead, BTEX and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Murata-Wiedemann Facility**, Upper Merion Township, **Montgomery County**. Peter A. Malik, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 211 Gulrood Associates,

LP, 1200 River Rd., Suite 1303, Conshohocken, PA 19428, has submitted a combined Risk Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site groundwater contaminated with solvents.

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

**Maffeo Spill (Reading Blue Mountain and Northern Railroad Company Property)**, Cressona Borough, **Schuylkill County**. James Drasher, Manager of Environmental Services, Aqua-Terra Environmental, Ltd., P. O. Box 4099, Reading, PA 19606 has submitted a Final Report (on behalf of Carl Maffeo, N. Garfield Avenue, Schuylkill Haven, PA) concerning the remediation of soils, sediment and surface water found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted in order to demonstrate attainment of the Statewide health standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Harrisburg International Airport/Middletown Airfield**, Lower Swatara Township and Middletown Borough, **Dauphin County**. Susquehanna Area Regional Airport Authority, 513 Airport Drive, Middletown, PA 17057 submitted a final report concerning the remediation of site soils and groundwater contaminated with PCBs, heavy metals, solvents and PAHs. The report is intended to document remediation of the site to the Site Specific standard.

**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 final report concerning the remediation of site soils contaminated with lead, BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

**Former Powell Property**, Logan and Antis Townships, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 (on behalf of Altoona-Blair County Development Corporation, 4500 Sixth Avenue, Altoona, PA 16602) has submitted a baseline environmental report concerning remediation of site soils contaminated with lead, heavy metals, solvents, BTEX and PAHs and groundwater contaminated with heavy metals. The applicant proposes to remediate the site to meet the special industrial area requirements.

**Esbenshade Residence**, Elizabeth Township, **Lancaster County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 (on behalf of Lamar Esbenshade, 619 East 28th Division Highway, Lititz, PA 17543) submitted a final report within 90 days of a release concerning remediation of site soils contaminated with benzene, toluene, ethylbenzene, cumene, fluorine, naphthalene and phenanthrene. The report is intended to document remediation of the site to the Statewide Health standard.

**Martin Residence**, East Earl Township, **Lancaster County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 (on behalf of V. Lorraine Martin, 1257 East Earl Road, East Earl, PA 17519) submitted a final report within 90 days of a release concerning remediation of site soils contaminated with benzene, toluene, ethylbenzene, cumene, fluorine, naphthalene and phenanthrene. The report is intended to document remediation of the site to the Statewide Health standard.

**United States Postal Service Bernville**, Borough of Bernville, **Berks County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Penn Eagle Industrial Park, Bellefonte, PA 16823 (on behalf of Cunningham Associates, 8633 South Bay Drive, Orlando, FL 32819-0498) submitted a final report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**PPL Electric Utilities Distribution Pole #67659S42272**, Richland Borough, **Bucks County**. Walter M. Novitsky, PPL Services Corp., Two N. Ninth St., Allentown, PA 18101, on behalf of PPL Electric Utilities Inc., Two N. Ninth St., Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 27, 2001.

**SEPTA Parking Lot Site**, Perkasio Borough, **Bucks County**. Michael S. Kozar, P.G., O'Brien & Gere, 1777 Sentry Parkway West, Gwynedd Hall, Suite 302, Blue Bell, PA, on behalf of SEPTA, Leased by Borough of Perkasio, 311 S. 9th St., Perkasio, PA 18944, has submitted a Final Report concerning the remediation of site soil contaminated with lead, metals, polycyclic aromatic hydrocarbons and TPH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 4, 2002.

**Orleans Corporation**, Warwick Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Orleans Corp., 333 Street Rd., Suite 101, Bensalem, PA 19020, has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 10, 2002.

**Former SPS Technologies, Inc.**, Upper Dublin Township, **Montgomery County**. William D. Zimmerman, P.G., Environmental Strategies Corp., 11911 Freedom Dr., Suite 900, Reston, VA 20190, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents and BTEX. The Final Report did not demonstrate attainment of the Statewide Health nor Site-Specific Standards and was disapproved by the Department on January 4, 2002.

**4800 Pine Street Apartments**, City of Philadelphia, **Philadelphia County**. William G. Murray, URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972, on behalf of NPDF Pine Associates LP, St. Leonards Court Site, 310-3819-33 Chestnut St., Philadelphia, PA 19104, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, cumene, fluorine, phenanthrene and naphthalene; and site groundwater contaminated with naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 21, 2001.

**Riverfront Towers**, City of Philadelphia, **Philadelphia County**. Bruce W. Pringle, S. T. Hudson Engineers, Inc., 800 Hudson Square, P. O. Box 9106, Camden, NJ 08101, on behalf of Isle of Capri Associates, LP, 242 S. 17th St., Philadelphia, PA, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The report was approved by the Department on December 21, 2001.

**McDonald's Restaurant Site**, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, P.E., Whitestone Associates, Inc., 1120 Welsh Road, Suite 100, North Wales, PA 19454, on behalf of McDonald's Corp., 150 S. Warner Rd., Suite 470, King of Prussia, PA 19406, has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater



contaminated with solvents. The combined report was approved by the Department on January 3, 2002.

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

**Schuylkill County Housing Authority—Coaldale Family Housing Development**, Coaldale Borough, Schuylkill County. Jennifer Risser, Project Manager, Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 submitted a Final Report (on behalf of Schuylkill County Housing Authority, 245 Parkway, Schuylkill Haven, PA 17972) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report demonstrated attainment of remediation of the site under the Statewide health standard and was approved on February 4, 2002.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Capital City Airport Harrisburg Jet Center**, Fairview Township, York County. Marshall Miller and Associates, 3913 Hartzdale Drive, Camp Hill, PA 17011 (on behalf of Harrisburg International Airport, 113 Airport Drive, New Cumberland, PA 17070 and Dana Transport Systems, 210 East Essex Avenue, Avenel, NJ 07001) submitted a Final Report concerning remediation of site soils contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on January 30, 2002.

**Blackberry Substation**, City of Harrisburg, Dauphin County. PPL Electric Utilities, Two North Nine Street, Allentown, PA 18101 submitted a Final Report concerning remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on February 4, 2002.

**Laurel Run Park**, Muhlenberg Township, Berks County. Muhlenberg Township Parks & Recreation, 702 Euclid Avenue, Temple, PA 19560-1541 submitted a Final Report concerning remediation of site soils contaminated with lead. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on February 8, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Expired*

**Nortru, Inc.**, 515 Lycaste, Detroit, MI 48214. License No. **PA-AH 0451**. Effective January 31, 2002.

**Pure Tech Systems, Inc.**, 2727 Transport Road, Cleveland, OH. License No. **PA-AH 0647**. Effective January 31, 2002.

**Southco Enterprises, Inc.**, P. O. Box 35871, Greensboro, SC 27425. License No. **PA-AH 0645**. Effective January 31, 2002.

**Ensco, Inc. d/b/a Division Transport**, 309 American Circle, El Dorado, AR 71730. License No. **PA-AH 0322**. Effective January 31, 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*

**Pinnacle Health Hospitals**, 111 South Front Street, Harrisburg, PA 17101. License No. **PA-AH 0083**. Effective January 31, 2002.

#### RESIDUAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR079, Pennsy Supply, Inc.**, 1001 Paxton Street, Harrisburg, PA 17104-3331.

General Permit numbered WMGR079 for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction was issued by Central Office on February 6, 2002.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**General Permit No. WMGR026. Industrial Fluid Recycling, Inc.**, 1 Morgan Lane, New Hartford, NY 13413. General Permit No. WMGR026 authorized processing of spent water soluble industrial cutting fluids in mobile processing units for the purpose of reconditioning spent cutting fluids. Coverage under the permit for Industrial Fluid Recycling, Inc. was revoked at the request of the permittee by Central Office on January 29, 2002.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101509. New Morgan Landfill Company, Inc.**, P. O. Box 128, Morgantown, PA 19543, New Morgan Borough, Berks County. The permit renewal is for the operation of the Conestoga Landfill. The permit modification was approved by the Southcentral Regional Office on February 11, 2002.

Persons interested in reviewing the general permit may contact Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP5-14-03: Mid East Oil Co.** (P. O. Box 1378, Indiana, PA 15705) on January 17, 2002, to authorize construction and operation of a 145 horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Tract 706 site in Burnside Township, **Centre County**.

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

**GP 24-123: Superior Greentree Landfill** (635 Toby Street, Kersey, PA 15846) on January 3, 2002, for operation of a portable nonmetallic mineral processing plant in Fox Township, **Elk 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.*

**09-0050: Better Materials Corp.** (852 Swamp Road, Penns Park, PA 18943) on February 1, 2002, for operation of one crusher and two conveyor belts in Wrightstown Township, **Bucks County**.

**15-0064A: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on February 7, 2002, for operation of three emergency generators in West Goshen 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.*

**35-303-011C: Dunmore Materials** (Division of Haines and Kibblehouse, P. O. Box 196, 2052 Lincoln Road, Skippack, PA 19474) on February 6, 2002, for modification of a batch asphalt plant and associated air cleaning device on Dunham Drive in Dunmore Borough, **Lackawanna County**.

**48-303-006A: A B E Materials** (Easton Division of Haines and Kibblehouse, P. O. Box 196, Skippack, PA 19474) on February 6, 2002, for modification of a batch asphalt plant and associated air cleaning device at the Easton Asphalt Plant in Lower Mount Bethel Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05024A: Reliant Energy Mid Atlantic Power, LLC** (1001 Broad Street, Johnstown, PA 15907-1050) on February 4, 2002, for modification of a coal handling operation controlled by covers and wet suppression at its Titus Station in Cumru Township, **Berks County**.

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

**59-00005D: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on January 28, 2002, for installation of an air cleaning device (a screw-in prechamber system) on a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 7) at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

**53-00004B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on January 28, 2002, for installation of air cleaning devices (screw-in prechamber systems) on five natural gas-fired reciprocating internal combustion compressor engines (Engines 2—6) at the Harrison Compressor Station in Harrison Township, **Potter County**.

**49-00024A: Sunbury Property, LLC, owner and Knight-Celotex, LLC, operator** (P. O. Box 267, Sunbury, PA 17801) on January 31, 2002, to modify a fiberboard laminating operation and revise a previously-established reasonably available control technology determination by increasing the allowable VOC emissions from 3 pounds per hour, 15 pounds per day and 2.7 tons per 12 consecutive month period to 8 pounds per hour, 96 pounds per day and 10 tons per 12 consecutive month period in the City of Sunbury, **Northumberland County**.

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

**25-069G: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on December 13, 2001, for construction of a dust collector in Erie, **Erie County**.

**10-087A: Du-Co Ceramics, Inc.** (155 South Rebecca Street, Saxonburg, PA 16056) on December 19, 2001, for construction of a tunnel kiln in Jefferson Township, **Butler County**.

**43-170D: Werner Co.—Greenville Division** (93 Werner Road, Greenville, PA 16125) on December 19, 2001, for modification of the pultrusion process in Sugar Grove Township, **Mercer County**.

**24-016A: Keystone Powdered Metal, Inc.** (1935 State Street, St. Marys, PA 15857) on December 28, 2001, for construction of an induction heat treating furnace for powdered metal parts in St. Marys, **Elk County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**23-0077A: County of Delaware** (340 N. Middletown Road, Lima, PA 19037) on January 18, 2002, for operation of a gas-fired generator in Middletown Township, **Delaware County**.

**23-0063A: Department of Corrections—SCI Chester** (500 East 4th Street, Chester, PA 19013) on January 18, 2002, for operation of three boilers and three diesel generators in City of Chester, **Delaware County**.

**46-0205: Tyco Electronics Corporation** (2940 Turnpike Drive, Hatboro, PA 19040) February 4, 2002, for operation of three-bed carbon adsorption system in Upper Moreland Township, **Montgomery County**.

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

**49-399-007A: Reagent Chemical and Research, Inc.** (R. R. 1, Box 208, Coal Township, PA 17866) on February 4, 2002, to authorize the use of an additional paint on a skeet target production line and to establish appropriate recordkeeping requirements in Coal Township, **Northumberland County**.

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

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

**65-00634: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of operating permit for the operation of Natural Gas Transmission at Tonkin Station in Murrysburg Township, **Westmoreland County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**48-00035: CENTEC Roll Corp.** (1275 Daly Avenue, Bethlehem, PA 18015) on February 7, 2002, for operation of a Natural Minor Permit in Bethlehem, **Northampton County**.

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

**65-00219: Jeannette City School District** (P. O. Box 418, Park Street, Jeannette, PA 15644) for operation of a CNG Tri-Fuel Boiler in Jeannette Borough, **Westmoreland County**.

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

**10-00011: Castle Rubber Co.** (P. O. Box 589, Butler, PA 16003) for a Natural Minor operating permit for the manufacture of custom rubber components in East Butler Borough, **Butler County**.

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

**95-027: Model Finishing, Inc.** (4949 Cottman Avenue, Philadelphia, PA 19135) on February 5, 2002, for surface coating miscellaneous metal parts in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three spray booths, one vapor degreaser, miscellaneous solvent cleaning, one 0.8 mmBtu/hr bake oven, one 1.6 mmBtu/hr water heater, one 0.5 mmBtu/hr drying oven and one 1.6 mmBtu/hr conveyor oven.

**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.**

*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**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Permits Actions*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17950116 and NPDES Permit No. PA02201983. Hill-top Coal Company**, R. D. 1, Box 347, Houtzdale, PA 16651. Renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 14 acres. Receiving streams: unnamed tributaries of Upper Morgan Run to Clearfield Creek; and Alexander Run to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received: October 26, 2001. Permit issued: January 29, 2002.

**17960122 and NPDES Permit No. PA0220493. Forcey Coal, Inc.**, P. O. Box 225, Madera, PA 16661. Renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 118 acres. Receiving streams: Muddy Run and Banian Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received: December 7, 2001. Permit issued: February 1, 2002.

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

**65-01-06 and NPDES Permit No. PA0250023. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Government Financed Construction Contract issued for reclamation of approximately 21.0 acres of abandoned mine lands located in Unity and Mount Pleasant Townships, **Westmoreland County**. Receiving stream: Brinker Run. Application received: September 17, 2001. Contract issued: February 5, 2002.

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

**56980107. Dunamis Resources, Inc.**, One Energy Place, Suite 4000, Latrobe, PA 15650. Permit Revision to change the post-mining land use from forestland to unmanaged natural habitat in Milford Township, **Somerset County**, affecting 277.0 acres. Receiving streams: unnamed tributaries to/and Casselman River and South Glade Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 17, 2001. Permit issued: February 4, 2002.

**32860106 and NPDES Permit No. PA0597643. Kent Coal Mining Company**, P. O. Box 219, Shelocta, PA 15774, permit renewal for reclamation for continued restoration of a bituminous surface mine in Blacklick Township, **Indiana County**, affecting 233.1 acres. Receiving streams: four unnamed tributaries to Aultmans Run and Aultmans Run classified for the following uses: Trout Stock Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 5, 2002. Permit issued: February 5, 2002.

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

**10000104. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to add blasting in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: unnamed tributary to Slippery Rock Creek. Application received: December 10, 2001. Permit Issued: January 31, 2002.

*Noncoal Permits Actions*

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

**01010801. Phillip E. Justice** (1431 Water Street, Fairfield, PA 17320), Small Noncoal (granite) Mining Permit in Mount Joy Township, **Adams County**, affecting 5.0 acres. Receiving stream: unnamed tributary to Rock Creek. Application received: October 3, 2001. Permit issued: February 4, 2002.

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**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**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.**

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*Blasting Permits Actions*

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

**21024004. John W. Gleim, Jr., Inc.** (90 Stover Drive, Carlisle, PA 17013), construction blasting in Carlisle Borough, **Cumberland County** with an expiration date of April 29, 2002. Permit issued: February 4, 2002.

**21024005. T. J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Silver Springs Township, **Cumberland County** with an expiration date of March 31, 2002. Permit issued: February 4, 2002.

**36024002. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Carriage Court Development in East Cocalico Township, **Lancaster County** with an expiration date of February 28, 2007. Permit issued: February 4, 2002.

**36024003. H. L. Wiker & Sons** (709A Hartman Station Road, Lancaster, PA 17601), construction blasting for Village Square Commons at Mayfield Development in East Donegal Township, **Lancaster County** with an expiration date of July 31, 2004. Permit issued: February 4, 2002.

**38024001. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in North Londonderry Township, **Lebanon County** with an expiration date of March 31, 2002. Permit issued: February 4, 2002.

**45024006. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 8, 2002. Permit issued: February 4, 2002.

**45024007. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 8, 2002. Permit issued: February 4, 2002.

**45024008. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 8, 2002. Permit issued: February 4, 2002.

**45024009. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in

Smithfield Township, **Monroe County** with an expiration date of August 8, 2002. Permit issued: February 4, 2002.

**58024001. Powers Stone, Inc.** (R. R. 5, Box 124, Montrose, PA 18801), construction blasting in Forest Lake Township, **Susquehanna County** with an expiration date of February 28, 2003. Permit issued: February 4, 2002.

**67024003. H. L. Wiker & Sons** (709A Hartman Station Road, Lancaster, PA 17601), construction blasting for Bentley Croft Housing Development in Manchester Township, **York County** with an expiration date of March 31, 2003. Permit issued: February 4, 2002.

**15024003. Rock Work, Inc.** (1257 DeKalb Pike, R. R. 2, Blue Bell, PA 19422), construction blasting in West Vincent Township, **Chester County** with an expiration date of March 7, 2003. Permit issued: February 5, 2002.

**15024004. Brubacher Excavating, Inc.** (825 Reading Road, Bowmansville, PA 17507), construction blasting in Upper Uwchlan Township, **Chester County** with an expiration date of March 7, 2003. Permit issued: February 5, 2002.

**21024008. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in Dickinson Township, **Cumberland County** with an expiration date of February 28, 2007. Permit issued: February 5, 2002.

**22024001. Brubacher Excavating, Inc.** (825 Reading Road, Bowmansville, PA 17507), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of February 28, 2003. Permit issued: February 5, 2002.

**01024003. Conewago Enterprises, Inc.** (660 Edgegrove Road, Hanover, PA 17331), construction blasting in Cumberland Township, **Adams County** with an expiration date of January 12, 2003. Permit issued: February 7, 2002.

**01024004. T. J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Germany Township, **Adams County** with an expiration date of March 15, 2002. Permit issued: February 7, 2002.

**01024006. MR Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020), construction blasting in Hamilton Township, **Adams County** with an expiration date of November 30, 2002. Permit issued: February 7, 2002.

**01024007. Bernard Hasara** (1125 E. Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Hamilton Township, **Adams County** with an expiration date of November 30, 2002. Permit issued: February 7, 2002.

**21024006. ITGroup/NEP** (245 Butler Avenue, Lancaster, PA 17601), blasting for Cumberland County Landfill expansion in Newton Township, **Cumberland County** with an expiration date of April 30, 2002. Permit issued: February 7, 2002.

**28024003. T. J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Antrim Township, **Franklin County** with an expiration date of March 15, 2002. Permit issued: February 7, 2002.

**38014028. Joao & Bradley Construction Co., Inc.** (4421 Tracy Lane, Bethlehem, PA 18020), construction blasting in the City of Lebanon, **Lebanon County** with an expiration date of June 30, 2002. Permit issued: February 7, 2002.

**01024005. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Cumberland Township, **Adams County** with an expiration date of July 31, 2002. Permit issued: February 8, 2002.

**22024002. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Hummelstown Borough, **Dauphin County** with an expiration date of March 31, 2003. Permit issued: February 8, 2002.

**38024002. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in South Londonderry Township, **Lebanon County** with an expiration date of March 31, 2003. Permit issued: February 8, 2002.

**21024007. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of January 31, 2007. Permit issued: February 8, 2002.

**48024001. Chrin Brothers, Inc.** (400 South Greenwood Avenue, Easton, PA 18045), construction blasting in the City of Easton, **Northampton County** with an expiration date of May 7, 2002. Permit issued: February 8, 2002.

**67024001. Stewart & Tate, Inc.** (1020 North Hartley Street, York, PA 17405), construction blasting in Springettsbury Township, **York County** with an expiration date of April 30, 2002. Permit issued: February 8, 2002.

**67024004. Fitz & Smith, Inc.** (P. O. Box 178, Dallostown, PA 17313), construction blasting in North Codorus Township, **York County** with an expiration date of March 31, 2002. Permit issued: February 8, 2002.

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

**26024001. Shallenberger Construction, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425). Permit issued for construction of a sanitation ditch line located in Dunbar Township, **Fayette County**, with an expected duration of 60 days. Permit issued: February 5, 2002.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E48-306. Northampton County**, 669 Washington Street, Easton, PA 18042. Forks and Palmer Townships, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a prestressed concrete beam bridge, known as County Bridge No. 62, having a single span of 70 feet and an underclearance of approximately 10.1 feet across Bushkill Creek. The project is located along Township Road T499 (Newlins Mill Road), just north of S.R. 2019 (Bushkill Drive) (Easton, PA Quadrangle N: 18.8 inches; W: 16.9 inches).

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

**E22-417. Hess Enterprises**, 13 Aberdeen Shopping Plaza, Aberdeen, MD 21001 in Londonderry Township, **Dauphin County**, ACOE Baltimore District

To construct and maintain: (1) Enclosure #1, a 140-foot long reinforced concrete, rigid frame and open bottom arch culvert stream enclosure having a clear span of 14.0 feet and an underclearance of 8.0 feet in an unnamed tributary to Swatara Creek (WWF); (2) a 170-foot long reinforced concrete, rigid frame and open bottom arch culvert stream enclosure having a clear span of 12.0 feet and an underclearance of 8.0 feet in an unnamed tributary to Swatara Creek (WWF) about 1,500 feet upstream from Enclosure #1; (3) a 48-inch to 54-inch diameter storm sewer crossing of a wetland; (4) a potable waterline that will cross Iron Run (WWF) at Stations 27+00 and 28+50; and five associated wetland area crossings at Stations 36+30, 32+50, 59+50, 48+00 and 49+75 (5) a sanitary sewer line in the floodway/floodplain of Swatara Creek (WWF); crossing of Iron Mine Run (WWF) at Station 7+75; crossing an unnamed tributary to Swatara Creek (WWF) between manholes WT MH 15 and LF MH 14; crossing an unnamed tributary to Swatara Creek (WWF) between manholes WT MH LF 17A and WT MH LF 17 and crossings of two unnamed tributaries to Swatara Creek (WWF) at Stations 23+25, 29+00; (6) four rock stormwater outfalls in unnamed tributaries to Swatara Creek (WWF) at one on the south side of Harrisburg Pike SR 0230 at Blue Creek Drive, endwall EW-4 and endwall EW-16B; (7) construct 840 linear feet of channel (Swale F) in the floodway of Swatara Creek (WWF) to convey stormwater to Swatara Creek; (8) waive permit requirements for fill in watercourses at Bull Creek Drive, Station 10+50; Lytle Farm Drive at Stations 3+75 and 32+00; Hayden Circle, Station 11+50; Denver Drive, Station 19+00 and a sewer line crossing at manhole MH LF 91; and (9) construct four 48-inch reinforced concrete culvert pipes at the outlet of Swale F under Swatara Creek Road (T-496) all for the purpose of developing Phase I of Lytle Farms, a residential/commercial/industrial development, located at the intersection of Colebrook Road and SR 0230 (Middletown, PA Quadrangle N: 13.0 inches; W: 6.0 inches) in Londonderry Township, Dauphin County. The permittee is required to provide 620 linear feet of onsite stream restoration to composite for the stream impacts of the two stream enclosures.

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

**E18-330. Mill Hall Borough**, 215 Beech Creek Avenue, Mill Hall, PA 17751. Water Obstruction and Encroachment Permit application, in Mill Hall Borough, **Clinton County**, ACOE Susquehanna River Basin District (Mill Hall, PA Quadrangle N: 20.53 inches; W: 15.21 inches).

To remove three existing structures and construct and maintain two 8-foot by 40-foot baseball dugout structures and a 20-foot by 24-foot press box all of which are located

in the floodway of Fishing Creek located along SR 0150 in Mill Hall Borough, Clinton County. This permit was issued under § 105.13(e) "Small Projects."

**E41-495. Thomas Wagner**, 3249 Route 87 Highway, Montoursville, PA 17754. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Lewis Township, **Lycoming County**, ACOE Susquehanna River Basin District (Trout Run, PA Quadrangle N: 9.15 inches; W: 0.21 inch).

To remove an existing wooden structure and construct and maintain a 7.67-foot diameter by 21 foot long steel culvert in Shoemaker Run, which is located 1/2 mile east of the intersection of SR 0014 and SR 1004 along SR 1004, in Lewis Township, Lycoming County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA08-004. United States Fish and Wildlife Service**, Bentley Creek WWF in Ridgebury Township, **Bradford County**, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 13.94 inches; W: 12.44 inches).

The project begins approximately 1,000 feet upstream of SR 4013 bridge and continues downstream 5.1 miles to the confluence of the Chemung River in Ashland, NY. This assessment covers the Commonwealth portion of the project (19,465 feet) in Ridgebury Township, Bradford County. The purpose of the project is to conduct stream restoration activities that will address bank erosion, grade control and sediment transport. The project will reconstruct the channel and floodplain to proper bank full elevations by grading embankments and placing control structures in the channel. The entire project will disturb four acres.

**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 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-17-002	Robert L. Coons Wickett & Craig of America Inc. 120 Coopers Road Curwensville, PA 16833	Clearfield	Curwenville	Five ASTs storing hazardous substances	24,500 gallons total
02-04-001	Donald W. Zahn The Valvoline Company Packaging Plant 501 Railroad Street Rochester, PA 15074	Beaver	Rochester Township	Four ASTs storing lubricating oils	30,000 gallons each
02-51-009	Jane M. Besch Westway Terminal Company 365 Canal Street New Orleans, LA 70130	Philadelphia	Philadelphia City	Three 3 ASTs storing Trichloroethylene	170,000 gallons total

[Pa.B. Doc. No. 02-302. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (DEP) website (www.dep.state.pa.us) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2002.

*Ordering Paper Copies of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory

or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

This document contains the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Final Technical Guidance*

DEP ID: 385-2000-011 Title: Pennsylvania Combined Sewer Overflow (CSO) Policy Description: This guidance is written to plan and provide an effective and efficient program for NPDES permitting of combined sewer overflows in the Commonwealth. Effective Date: March 1,

2002 Contact: Trudy Troutman at (717) 783-3795 or e-mail: trutroutma@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-303. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Public Notice of Availability of Pennsylvania Combined Sewer Overflow (CSO) Policy and Associated CSO General NPDES Permit (PAG-6) for Discharges from CSO Systems**

The Department of Environmental Protection (Department) by this notice makes available the following two final NPDES documents related to Pennsylvania Combined Sewer Overflows (CSOs):

1. Pennsylvania CSO Policy (DEP Doc. No. 385-2000-011)

—The Pennsylvania CSO Policy formalizes final revisions to the Department's July 2, 1996, CSO Strategy and addresses all comments received on a proposed draft document published for public comments on September 1, 2001. Region III of the United States Environmental Protection Agency (EPA) also reviewed and provided comments on the document. The policy was also discussed at the November 14, 2001, Water Resources Advisory Committee meeting. A comment and response document is available from the Department upon request.

2. NPDES General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-6)—The final CSO general permit reflects revisions to the Department's August 12, 2000, CSO general permit and addresses all comments received on the proposed draft revised permit documents published for comment on May 26, 2001. For consistency, the Department has made changes to its August 12, 2000, CSO general permit to reflect the final revisions made to the CSO Policy described in paragraph 1. The revised permit will expire on March 16, 2007, and is now available for use. Region III of the EPA has reviewed and has no comments on the proposed permit documents. A comment and response document is available from the Department.

Both the final revised CSO Policy and the CSO general permit documents are now available and have been posted on the Department's website at: [http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/Forms\\_Home.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/Forms_Home.htm). The package may also be obtained by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, e-mail address: trutroutman@state.pa.us.

DAVID H. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-304. Filed for public inspection February 22, 2002, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property

The Department of General Services, State Surplus Property is seeking contractors to remove mixed scrap metals, scrap drum, batteries, aluminum, waste oil/antifreeze and tires from State agencies throughout this Commonwealth. Some of these contracts begin on July 1, 2002. For more information, call (717) 787-4085 or write to the Department of General Services, State Surplus Property, Room G-12, 2221 Forster St., Harrisburg, PA 17125 or e-mail mthrush@state.pa.us before March 31, 2002.

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-305. Filed for public inspection February 22, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, March 13, 2002, at 10 a.m., in Room 907 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph May at (717) 772-5298, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-306. Filed for public inspection February 22, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Colossal Crazy 8's Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Colossal Crazy 8's.

2. *Price:* The price of a Pennsylvania Colossal Crazy 8's instant lottery game ticket is \$5.00.



### 3. *Play Symbols:*

(a) Each Pennsylvania Colossal Crazy 8's instant lottery game ticket will contain eight play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7 and Game 8. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$20\$ (TWENTY), \$28\$ (TWY EGT), \$32\$ (TRY TWO), \$88\$ (ETY EGT), \$188 (HUNETYEGT) and \$106,656 (\$8,888/MTH/YR).

(c) The play symbols and their captions located in the "Your" and "Their" areas for Game 2 and Game 3, in the play areas for Game 4 and Game 6, and in the "Lucky Number" area and the "Your Numbers" area for Game 8 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(d) The play symbols and their captions located in the play area for Game 5 are: Money Symbol (MONEY), Moneybag Symbol (MNYBG), Pot of Gold Symbol (PTGLD), Gold Bar Symbol (GOLD), Coins Symbol (COINS), Coin Symbol (COIN), Crown Symbol (CROWN), Rabbit Foot Symbol (RBTFT), Horse Shoe Symbol (SHOE), Star Symbol (STAR), Diamond Symbol (DIMND) and Dollar Sign Symbol (DLRSN).

(e) The play symbols and their captions located in the "Fast \$18" area for Game 7 are: \$18\$ (EGHTN) and TRY AGAIN.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" areas for Games 2, 3, 4, 5, 6 and 8 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$20\$ (TWENTY), \$28\$ (TWY EGT), \$32\$ (TRY TWO), \$88\$ (ETY EGT), \$188 (HUNETYEGT) and \$106,656 (\$8,888/MTH/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$6, \$8, \$10, \$12, \$15, \$18, \$20, \$28, \$32, \$88, \$188 and \$106,656 (\$8,888 a month for 1 year). A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:*

Approximately 3,600,000 tickets will be printed for the Pennsylvania Colossal Crazy 8's instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching play symbols of \$106,656 (\$8,888/MTH/YR) in the play area on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets with three matching play symbols of \$188 (HUNETYEGT) in the play area on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets with three matching play symbols of \$88\$ (ETY EGT) in the play area on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets with three matching play symbols of \$32\$ (TRY TWO) in the play area on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets with three matching play symbols of \$28\$ (TWY EGT) in the play area on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching play symbols of \$18\$ (EGHTN) in the play area on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching play symbols of \$12\$ (TWELV) in the play area on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching play symbols of \$8<sup>00</sup> (EGT DOL) in the play area on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 and Game 3 are:

(1) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$106,656 (\$8,888/MTH/YR) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$188 (HUNETYEGT) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$88\$ (ETY EGT) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$32\$ (TRY TWO) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$28\$ (TWY EGT) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and

a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets where the "Your" number is greater than the "Their" number, in the same Game, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 4 are:

(1) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$106,656 (\$8,888/MTH/YR) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$188 (HUNETYEGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$28\$ (TWY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 5 are:

(1) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$106,656 (\$8,888/MTH/YR) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$188 (HUNETYEGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$28\$ (TWY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$15\$ (FIFTN)

appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$8<sup>.00</sup> (EGT DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$6<sup>.00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Game 6 are:

(1) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$106,656 (\$8,888/MTH/YR) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$188 (HUNETYEGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$28\$ (TWY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of

\$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$8<sup>.00</sup> (EGT DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$6<sup>.00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with two matching play symbols of 8 (EIGHT) in the play area and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets with a \$18\$ (EGHTN) play symbol in the "Fast \$18" area for Game 7, on a single ticket, shall be entitled to a prize of \$18.

(g) Determination of prize winners for Game 8 are:

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$106,656 (\$8,888/MTH/YR) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$106,656.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$188 (HUNETYEGT) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$188.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$88\$ (ETY EGT) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$88.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$32\$ (TRY TWO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$32.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$28\$ (TWY EGT) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$18\$ (EGHTN)

appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets upon which any one of the "Your

Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8.<sup>00</sup> (EGT DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$5	\$5	1:10.17	354,000
\$6	\$6	1:30	120,000
\$8	\$8	1:60	60,000
\$5 x 2	\$10	1:200	18,000
\$10	\$10	1:300	12,000
\$6 x 2	\$12	1:200	18,000
\$12	\$12	1:300	12,000
\$5 x 3	\$15	1:200	18,000
\$15	\$15	1:300	12,000
Fast \$18	\$18	1:12.50	288,000
\$6 x 3	\$18	1:600	6,000
\$18	\$18	1:600	6,000
\$6 x 2 + \$8	\$20	1:600	6,000
\$5 x 4	\$20	1:600	6,000
\$5 x 2 + \$10	\$20	1:600	6,000
\$10 x 2	\$20	1:600	6,000
\$20	\$20	1:600	6,000
\$5 + \$8 + \$15	\$28	1:600	6,000
\$6 x 3 + \$5 x 2	\$28	1:600	6,000
\$20 + \$8	\$28	1:600	6,000
\$8 x 2 + \$12	\$28	1:600	6,000
\$28	\$28	1:600	6,000
\$20 + \$12	\$32	1:4,000	900
\$8 x 4	\$32	1:2,000	1,800
\$12 x 2 + \$8	\$32	1:2,000	1,800
\$10 x 2 + \$6 x 2	\$32	1:2,000	1,800
\$32	\$32	1:4,000	900
Fast \$18 + \$10 x 7	\$88	1:4,800	750
Fast \$18 + \$20 x 3 + \$5 x 2	\$88	1:4,800	750
\$28 + \$10 x 6	\$88	1:8,000	450
\$88	\$88	1:12,000	300
Fast \$18 + \$28 x 5 + \$15 x 2	\$188	1:120,000	30
\$88 x 2 +	\$188	1:120,000	30

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$6 x 2			
\$32 x 5 + \$28	\$188	1:120,000	30
\$20 x 5 + \$88	\$188	1:120,000	30
\$188	\$188	1:120,000	30
\$8,888/Month/ 1 Year	\$106,656	1:1,200,000	3

- Game #1—Get 3 Like Amounts, Win That Prize
- Game #2—When Your Number Beats Their Number, Win Prize Shown
- Game #3—When Your Number Beats Their Number, Win Prize Shown
- Game #4—Get Three “8” Symbols In A Row, Column Or Diagonal, Win Prize Shown
- Game #5—Get Three Like Symbols, Win Prize In The Prize Box
- Game #6—Get Two “8” Symbols, Win Prize Shown
- Game #7—Reveal \$18 Prize Amount, Win \$18 Instantly
- Game #8—When Any Of Your Numbers Match The Lucky Number, Win Prize Shown Under The Matching Number

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Colossal Crazy 8’s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Colossal Crazy 8’s, prize money from winning Pennsylvania Colossal Crazy 8’s 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 Colossal Crazy 8’s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Colossal Crazy 8’s or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-307. Filed for public inspection February 22, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under to the authority contained in section 2002(c) of The Administrative Code (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Jerry Thorpe, seeking to lease highway right-of-way located on the easterly side of relocated East Street at the intersection with Mt. Pleasant Road in the City of Pittsburgh, Allegheny County, containing 66,612± square feet or 1.5292± acres adjacent to SR 0279, for purposes of landscaping, erection of a small fence along the right-of-way for Mt. Pleasant Road for litter/noise prevention and maintenance of adjacent property.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-308. Filed for public inspection February 22, 2002, 9:00 a.m.]

### 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 (code) (75 Pa.C.S. § 3368), published at 31 Pa.B. 7078 (December 29, 2001) a notice of speed timing devices and maintenance and calibration stations approved for use until the next comprehensive list is published and subject to interim amendment.

The notice requires additional clarification. The list of electronic speed-timing devices approved, for use only by members of the State Police, included devices identified as KR-10 and KR-10SP Stationary Radar manufactured

by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214. Prior to July 30, 1990, KR-10 and KR-10SP Stationary Radar were manufactured under the corporate name of Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214, and were approved speed-timing devices.

Since the devices currently in use may indicate either of these manufacturer names on the device housing, dependent on the device's date of manufacture, the Department includes both manufacturer names in the notice for the purpose of clarity.

By the authority contained in section 3368(c)(2) of the code, the Department hereby gives notice of the addition of the following speed-timing devices to the list of approved electronic speed timing devices (radar) when used in the stationary mode only:

(1) KR-10, Stationary Radar (identified on the housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(2) KR-10SP, Stationary Radar (identified on the housing as KR-10SP). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 31 Pa.B. 7078.

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-5842.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-309. Filed for public inspection February 22, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Firstenergy Nuclear Operating Company v. DEP;  
EHB Doc. No. 2002-023-R**

Firstenergy Nuclear Operating Company has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0025615 (December 27, 2001) to same for a facility in Shippingport, Beaver County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-310. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Reliant Energy Northwest Management Company  
v. DEP; EHB Doc. No. 2002-021-R**

Reliant Energy Northwest Management Company has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0002062 (December 27, 2001) to same for a facility in Plumcreek Township, Armstrong County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-311. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Reliant Energy Northwest Management Company  
v. DEP; EHB Doc. No. 2002-022-R**

Reliant Energy Northwest Management Company has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0005011 (December 27, 2001) to same for a facility in West Wheatfield Township, Indiana County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-312. Filed for public inspection February 22, 2002, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Wednesday, March 6, 2002, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m., Mandated Benefits Review Committee Meeting—3 p.m.; Thursday, March 7, 2002, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Secretary*

[Pa.B. Doc. No. 02-313. Filed for public inspection February 22, 2002, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Considered by the Historic Preservation Board

The Historic Preservation Board (Board) meeting will be held at 9:45 a.m. on March 12, 2002, in the 5th Floor Board Room, State Museum, 3rd and North Streets, Harrisburg, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Individuals with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Anthracite Region and Poconos

1. *Wyoming Monument*, Wyoming Avenue and Susquehanna Street, U. S. Route 11, Wyoming Borough, Luzerne County.

2. *Milford Historic District (Boundary Increase)*, roughly bounded by portions of Sawkill Avenue, L. R. 746, Water Street, Mill Street, East and West Harford (State Route 209), Ann, Catherine, High, George, John and Sarah Streets, 2nd—10th Streets, Broad, Mott and James Streets, and Cranberry, Blackberry, Gooseberry, Raspberry, Currant, Elderberry and Chestnut Alleys, Milford Borough, Milford Township and Dingman Township, Pike County.

#### Southwestern Pennsylvania

3. *Stephenson-Campbell Property*, end of Tomahawk Claim Lane off Reissing Road, Cecil Township, Washington County.

4. *Fulton Building*, 107 Sixth Street, Pittsburgh, Allegheny County.

5. *H. J. Heinz Company*, roughly bounded by Chestnut Street, River Avenue, South Canal Street, Progress Street and Heinz modern manufacturing facilities, Pittsburgh, Allegheny County.

#### Great Valley and Piedmont Region

6. *Ann Cunningham Evans House*, 6132 28th Division Highway, Caernarvon Township, Lancaster County.

7. *Cuttalossa Historic District*, Cuttalossa Road from Sagan Road and the Delaware River, Solebury Township, Bucks County.

8. *Willow Mill Complex*, 559, 569 and 570 Bustleton Pike, Northampton Township, Bucks County.

#### Allegheny Plateau, Ridge and Valley

No nominations.

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 02-314. Filed for public inspection February 22, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committees' comment period. The Commission's comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
#16A-4610	State Board of Dentistry Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/ Oxygen Analgesia	2/7/02	1/7/04

(31 Pa.B. 6691 (December 8, 2001))

**State Board of Dentistry Regulation No. 16A-4610**

**Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia**

**February 7, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Dentistry (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 7, 2004, the regulation will be deemed withdrawn.

**1. Section 33.335(a). Requirements for unrestricted permit.—Protection of Public Health, Safety and Welfare; Clarity; Reasonableness.**

*Subsection (a)(1)*

This subsection requires a dentist to have “Successfully completed at least 1 year in a postgraduate program for advanced training in anesthesiology and related academic subjects that conforms to Part II of the American Dental Association’s (ADA) *Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry. . .*” To be consistent with the current Part II of the ADA’s guidelines, the Board should change this phrase to “successful completion of at least 2 years.” (Emphasis added).

*Subsection (a)(2)*

Commentators have indicated the organization referenced in subsection (a)(2) should read, “Fellow of the American Dental Society of Anesthesiology,” rather than, “Fellow of the American Society of Dental Anesthesiology.” We suggest that the Board consider their concern.

Commentators also have indicated that one certification option was not included. Did the Board consider adding, “be certified as a Diplomat of the American Dental Board of Anesthesiology”?

**2. Section 33.335(c). Administration of anesthesia to children.—Clarity.**

This subsection requires an applicant to attest to conformance with the American Academy of Pediatric Dentistry’s (AAPD) *Guidelines for the Elective Use of Conscious Sedation, Deep Sedation and General Anesthesia in Pediatric Dental Patients* when treating “children age 10 and under.” How did the Board determine age 10 as the cutoff for conforming with the AAPD guidelines?

**3. Sections 33.335(d) and 33.336(d). Office inspection requirements.—Protection of Public Health, Safety and Welfare; Clarity.**

*Subsection (d)(1)*

This subsection, along with § 33.336(d)(1), states, “at least every 6 years, or more frequently, as necessary.” It appears that the phrase, “or more frequently, as necessary” is not necessary and could be deleted.

*Subsection (d)(1) and (2)*

First, the House Professional Licensure Committee (Committee) commented that it is unclear whether the office inspections and clinical evaluations in subsection (d)(1) and (2), as well as § 33.336(d)(1) and (2), apply to current permit holders or just to first-time applicants. The Committee recommends that these requirements

apply to current permit holders, as well as new applicants. The Committee further recommends that the regulation include dates by which current permit holders must complete office inspections and clinical evaluations as a condition of permit renewal.

We agree with the Committee that the regulation is unclear. Is it the Board’s intent to apply the office inspection and clinical evaluation requirements to both current permit holders and first-time applicants? If so, what are the time frames for compliance? The final-form regulation should be amended to clearly reflect the Board’s intent.

Second, these two subsections, as well as other sections, use the term “authorized agents.” Commentators suggest that the “authorized agents” should be dental professionals holding permits in the same specialty as the person subject to the office inspection and clinical evaluation. The final-form regulation should identify the “authorized agents” of the Board and their qualifications, and clarify whether the same “authorized agents” perform the office inspections and the clinical evaluations.

Third, we question whether the Board intends to require a dentist, who does not perform general anesthesia or conscious sedation, to undergo a clinical evaluation. Would the clinical evaluation of the itinerant anesthesiologist be sufficient? In either case, when will the clinical evaluation occur? The Board should clarify these points in the final-form regulation.

Finally, it is unclear if the inspections and the clinical evaluations are completed prior to the receipt of a permit by a dentist. This should be clarified in the final-form regulation.

*Subsection (d)(2)*

The Committee notes that the language in subsection (d)(2), as well as § 33.336(d)(2), seems to exempt permit holders, who do not maintain their own offices, from clinical evaluations. The Committee recommends that the regulation be clarified to require all permit holders to undergo clinical evaluations. We agree that the Committee’s recommendation would enhance protection of the public health, safety and welfare.

Finally, as printed in the *Pennsylvania Bulletin*, this subsection states, “through its authorized agents be in accordance. . .” It appears that the word “be” is unnecessary and could be deleted.

**4. Section 33.337. Requirements for restricted permit II.—Reasonableness.**

Under subsection (a)(1), a dentist must complete 20 hours of undergraduate or postgraduate instruction and clinical experience as a requirement for obtaining a restricted permit II. The existing regulation requires 40 hours of instruction and clinical experience. What is the basis for reducing the hours of instruction and clinical experience from 40 to 20?

**5. Section 33.338. Expiration and renewal of permits.—Clarity.**

Subsection (b)(2) requires a dentist, who wants to renew a permit, to submit “The permit renewal fee.” However, the regulation does not list the permit renewal fees. For clarity, these fees should be included in the final-form regulation.



**6. Section 33.340. Duties of dentists who are unrestricted permit holders.—Reasonableness; Need; Protection of the Public Health, Safety and Welfare; Economic Impact; Clarity.**

*Subsection (a)(1)*

Paragraph (1) requires a “history” to be taken prior to the administration of anesthesia. Paragraph (2)(xvii) refers to “patient history.” It appears that both terms refer to the patient’s medical history. If so, paragraphs (1) and (2)(xvii) should be revised to use the term “patient medical history.” The same change should be made in §§ 33.340a(a)(1) and (2)(xvii) and 33.340b(a)(1) and (2)(xi).

*Subsection (a)(2)*

First, paragraph (2)(iv) refers to “appropriate oropharyngeal suction.” The term “appropriate” is vague and open to interpretation. For improved clarity, the Board should specify the factors used to determine “appropriate oropharyngeal suction,” such as the patient’s age, size and medical condition. The same clarification should be added to §§ 33.340a(2)(iv) and 33.340b(2)(iv).

Second, paragraph (2)(xii) requires monitoring equipment, procedures and documentation to conform to certain guidelines established by the American Association of Oral and Maxillofacial Surgeons and the AAPD. However, the ADA *Guidelines for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists* is not included as a standard. Why are the ADA guidelines excluded from paragraph (2)(xii) and §§ 33.340a(a)(2)(xii) and 33.340b(a)(2)(x)?

Third, paragraph (2)(xiii)—(xvi) list specific monitoring equipment that is required in the permit holder’s dental office. Monitoring of expired carbon dioxide concentration is not included in the requirements. However, the AAPD guidelines specify monitoring of expired carbon dioxide when deep sedation or general anesthesia is administered. The Board should include this requirement in the final-form regulation, or explain why it is unnecessary.

Fourth, paragraph (2)(xvi) and § 33.340a(a)(2)(xvi) require the dental office to have an automatic external defibrillation (AED) device. Commentators have noted that AEDs are not recommended for children, and suggest that the regulation simply require a “defibrillator.” The Board should consider adopting the commentators’ suggestion to ensure that appropriate equipment is present for the type of patient being treated.

Finally, paragraph (2)(xviii) requires “Signed patient consent” prior to administration of anesthesia. The Committee recommended that this requirement be changed to “written informed consent of a patient.” The Committee further recommended that when the patient is a minor, consent should be obtained from the parent or guardian. We agree that the Committee’s suggested language would add clarity, as well as health and safety protections for the patient and liability protections for the permit holder. The Board should consider adopting the Committee’s recommendation in paragraph (2)(xviii) and in §§ 33.340a(a)(2)(xviii) and 33.340b(a)(2)(xii).

*Subsection (a)(3)*

Paragraph (3)(iv) requires auxiliary personnel to maintain current certification in Advanced Cardiac Life Support (ACLS). This requirement is also contained in § 33.340a(a)(3)(iv). Commentators object to this requirement as unnecessary, and note that ACLS training includes instruction on administration of certain medications that auxiliary personnel are not licensed to administer. They suggest that auxiliary personnel be

required to maintain Basic Life Support (BLS) certification. We request the Board explain the process for obtaining BLS and ACLS certification. We further request the Board provide the rationale for requiring ACLS certification for auxiliary staff.

Additionally, some commentators have suggested that pediatric dentists be given the option of maintaining certification in Pediatric Advanced Life Support (PALS). Has the Board considered allowing PALS certification as an option?

*Subsection (a)(8)*

Under this subsection, general anesthesia requiring intubation must be administered by a qualified person, other than the person performing the dental work. Why is this requirement limited to general anesthesia provided with intubation? Will the public health be adequately protected if the person performing the dental work is simultaneously monitoring the provision of anesthesia?

*Subsection (a)(10)*

This subsection requires equipment transported to a nonpermit holder dentist’s office to be inspected by the Board’s “authorized agents.” Similar requirements are contained in §§ 33.340a(a)(9) and 33.341(a)(6). We have three concerns.

First, the reference to “authorized agents” is vague. The final-form regulation should identify the Board’s “authorized agents.”

Second, it is unclear when the equipment is inspected. The final-form regulation should specify whether the inspection occurs before or after transport.

Finally, the regulation does not state how often the equipment must be inspected. For example, is there an initial inspection and then a follow-up inspection after a certain amount of time? These details should be set forth in the final-form regulation.

**7. Section 33.340a. Duties of dentists who are restricted permit I holders.—Clarity.**

*Subsection (a)(2)*

Paragraph (2)(x) requires the dental office to contain “communications equipment.” The same requirement is contained in § 33.340b(a)(2)(ix). The final-form regulation should specify what type of equipment is required.

*Subsection (a)(4)*

Paragraph (4)(i) requires certified registered nurse anesthetists (CRNAs) to “Perform their duties under the direct on-premises supervision of the permit holder, who shall assume full responsibility for the performance of the duties.” A similar provision is contained in existing § 33.340(a)(4)(i).

The CRNA supervision requirements of this regulation are more stringent than the State Board of Nursing requirements at 49 Pa. Code § 21.17(3) and (4) and the Department of Health requirements at 28 Pa. Code § 123.7(c). The State Board of Nursing regulations authorize CRNAs to administer anesthesia “in cooperation with a surgeon or dentist.” These regulations further state, “In situations or health care delivery facilities where these services are not mandatory, the nurse anesthetist’s performance shall be under the overall direction of the surgeon or dentist responsible for the patient’s care.” Additionally, the CRNA “. . . shall have available to her by physical presence or electronic communication an anesthesiologist or consulting physician of her choice.”

The State Board of Nursing regulations do not contain a requirement for "direct on-premises supervision."

Under the Department of Health's Health Facilities regulations at 28 Pa. Code § 123.7(c), when a dentist and CRNA work together, without any physicians present, "... a physician shall be immediately available in case of an emergency..." That regulation also states that "immediately available may mean in the hospital or in the immediate proximity of the operative procedure area or within minutes of the operating suite."

We request the Board explain the reason for the differences in supervision requirements.

*Subsection (a)(5)*

Finally, the Board should consult § 6.10 of the *Pennsylvania Code and Bulletin Style Manual* with respect to the phrasing of subsection (a)(5).

**8. Section 33.340b. Duties of dentists who are restricted permit II holders.—Clarity.**

Subsection (a)(2)(xi) requires the dental office to maintain the "Results of patient history and physical evaluation." However, the preamble to the proposed regulation indicates that this requirement is not imposed on restricted permit II holders. This inconsistency between the preamble and the text of the regulation should be corrected in the final-form regulation.

**9. Section 33.341. Duties of dentists who are not permit holders.—Clarity; Reasonableness.**

*Subsection (a)(2)*

Subsection (a)(2) requires that the office of a nonpermit holding dentist must be inspected to meet the requirements in §§ 33.340(a)(2), 33.340a(a)(2) or 33.340b(a)(2). A commentator has indicated that he, as the itinerant anesthesiologist, supplies the monitoring and drug administration equipment. Is it the Board's intent that the nonpermit holder will provide all supplies and equipment required in the referenced sections? Must the items enumerated in those sections be in the nonpermit holder's office at the time of inspection? The Board should clarify this requirement in the final-form regulation.

This subsection also requires an office inspection prior to administration of anesthesia. However, there is no provision for reinspection. Does the Board intend to require a re-inspection every 6 years for dentists who are not permit holders, as is required for dentists who have an unrestricted permit or restricted permit I (found in §§ 33.335(d)(1) and 33.336(d)(1))? If so, the final regulation should contain the re-inspection provision. If not, the Board should explain why re-inspection is not necessary.

*Subsection (a)(4)*

The Committee notes that a CRNA is not authorized to administer anesthesia in the offices of nonpermit holders under § 33.341(a)(3). However, CRNAs are included in § 33.341(a)(4) relating to persons required to have ACLS certification. Was it the Board's intent to include CRNAs in subsection (a)(4)?

Additionally, we note that unlike §§ 33.340(a)(4) and 33.340a(a)(4), this subsection contains no supervision requirements for CRNAs. If it is the Board's intent to include CRNAs in subsection (a)(3) and (4), the final-form regulation should include supervision requirements consistent with §§ 33.340(a)(4) and 33.340a(a)(4). If it is not the Board's intent to include CRNAs in § 33.341(a)(3) and (4), the reference to CRNAs should be deleted from subsection (a)(4).

*Subsection (a)(6)*

Under this subsection, the equipment transported to a nonpermit holder's office "shall pass an inspection." The final-form regulation should specify whether the inspection occurs before or after transport, and how frequently inspection occurs.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-315. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulations, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#12-57	Department of Labor and Industry Uniform Construction Code Training and Certification for Code Administrators	2/07/02
#16A-658	State Board of Physical Therapy Examination Fees	2/11/02
#16A-5713	State Board of Veterinary Medicine Examinations, Application for Licensure and Certification, Fees	2/11/02

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#11-214	Underground Storage Tank Indemnification Board Fees and Collection Procedures	2/7/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-316. Filed for public inspection February 22, 2002, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Increase in Underwriting Authority of a Domestic Mutual Property Insurance Company**

Washington Mutual Fire and Storm Insurance Company (Washington Mutual), a domestic mutual property insurance company, has filed an application to increase its classes of underwriting authorities. The classes of insurance that Washington Mutual has applied to add is as mentioned in 40 P. S. § 382(c)(5) Steam Boiler & Machinery, (c)(8) Water Damage and (c)(13) Personal Property Floater. 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 A. Kotal, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax: (717) 787-8557 or e-mail: rkotal@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-317. Filed for public inspection February 22, 2002, 9:00 a.m.]

### Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25.0% for the long term care policy form D425 and the associated riders. This form was originally issued by J. C. Penny Life Insurance Company. The average premium will increase from \$1,028 to \$1,285 and will affect 551 Commonwealth policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-318. Filed for public inspection February 22, 2002, 9:00 a.m.]

### HealthAmerica; Rate Filing

On February 5, 2002, HealthAmerica submitted a community rating by class methodology for new and renewal rates beginning April 1, 2002, for employer groups with two or more eligible or enrolled employees. The filing submission proposes the use of demographic, area and industry factors.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-319. Filed for public inspection February 22, 2002, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting Association; Rules and Rates Filing For Supplemental Coverages

On February 12, 2002, the Insurance Department (Department) received a filing from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) seeking approval of revised rules and rates to offer the following:

- Claims Made Coverage subject to factors applicable to occurrence coverage.
- Extended Reporting Period Coverage for non-JUA insureds which would replace coverage from another carrier who is not willing to provide the prior acts coverage.
- Tail Replacement Coverage for any insured who previously purchased a tail from an insolvent carrier.
- Excess Insurance Coverage for insureds who were previously covered under an occurrence policy issued by an insolvent carrier.

The filing proposes to adopt the revised rules and rates effective upon approval.

A copy of the filing is available for public inspection during normal working hours at the Department's regional office in Harrisburg.

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 02-320. Filed for public inspection February 22, 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 hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Philadelphia and Harrisburg, 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 Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of William H. Breish; file no. 02-210-00113; Allstate Insurance Company; doc. no. PH02-02-004; March 8, 2002, at 11:30 a.m.

Appeal of David S. and Gwendolyn Rivers; file no. 01-265-06660; Hartford Insurance Group; doc. no. PH02-02-003; March 8, 2002, at 2 p.m.

Appeal of Mario Sileo; file no. 02-267-00085; Progressive Insurance Company; doc. no. PH02-02-009; March 28, 2002, at 12:30 p.m.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Edward C. and Amy L. Ober; file no. 02-182-00564; Old Guard Insurance Company; doc. no. P02-02-010; March 26, 2002, at 10 a.m.

Appeal of Sharon M. Simon and James. K. Kovich; file no. 02-181-00125; State Farm Mutual Automobile Insurance Company; doc. no. P02-02-008; March 27, 2002, at 1:30 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. 02-321. Filed for public inspection February 22, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine & Spirits Shoppe #0291, 4058 William Penn Highway, Monroeville, PA 15146-2604.

*Lease Expiration Date:* September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 net useable square feet of new or existing retail commercial space in a shopping center environment. The space should be near the intersection of Business Route 22 and Stretching Road and have rear access for tractor trailer deliveries.

*Proposals due:* March 15, 2002, at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222.

**Contact:** Thomas Deal, (412) 565-5130

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 02-322. Filed for public inspection February 22, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Consumer Information Initiative for Common Carriers; Doc. No. M-00021598**

Public Meeting held  
February 7, 2002

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

### Tentative Order

*By the Commission:*

Pursuant to section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, every public utility shall furnish and maintain adequate, efficient, safe and reasonable service and facilities. Such service and facilities shall be in conformity with the regulations and orders of the Commission. Every public utility shall observe, obey and comply with the Commission's regulations and orders. 66 Pa.C.S. § 501.

As an aid to the public and to help ensure compliance with our rules and regulations, we required Medallion taxicabs to display a Bill of Rights in their vehicles. *Medallion Program; Taxicab Patron's Bill of Rights*, Docket No. M-00001350 (Order entered April 27, 2000.) Further, we have mandated all non-medallion taxicabs display a Complaint Decal in their vehicles. *Call or Demand Service; Complaint Decals*, Docket No. M-00011476 (Order entered September 28, 2001.) Both of these initiatives have been successful in educating the public about their rights and the Commission's role in the regulation of the taxi industry.

At this point, we propose expanding the consumer education initiative beyond the taxicab industry. We propose requiring all other classes of carriers, with the exception of property carriers<sup>1</sup>, to provide the consumer with relevant information regarding service complaints. Given the wide variety of carrier classes, we do not believe that there is a 'one size fits all' notification solution. Rather, we believe that some carrier classes should post complaint decals, others should include complaint information on documentation provided to the shipper, and other carriers should be given a choice of how to provide the information. Therefore, we propose the following notice requirements.

<sup>1</sup> We believe that in the property area, the consumer/shipper is already familiar with its options to pursue a complaint against a carrier.

*Household Goods In Use Service*

Pursuant to 52 Pa. Code § 31.121, household goods in use carriers are required to provide the consumer with an 'Information for Shippers' form prior to preparation of a service order. The 'Information for Shippers' form details various rights and responsibilities of the shipper and the carrier. We believe that adding the following complaint information to this form is appropriate:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at [www.puc.paonline.com](http://www.puc.paonline.com). Include the company name and A-number for all complaints.

This language would appear at the bottom of the 'Information for Shippers' form.

*Scheduled Route Service; Group and Party Service; Airport Transfer Service; Paratransit Service*

The Commission proposes posting of a complaint decal in a conspicuous location inside the vehicle for these service classes. A sample decal follows and marked Appendix 'A'.

*Limousine Service*

The Commission proposes three options for carriers to choose from:

1. Post a complaint decal inside the vehicle. See Appendix 'A' for format.
2. Provide the following notice on the contract for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at [www.puc.paonline.com](http://www.puc.paonline.com). Include the company name and A-number for all complaints.

3. Provide the following notice on the receipt for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at [www.puc.paonline.com](http://www.puc.paonline.com). Include the company name and A-number for all complaints.

For options two and three, it is incumbent upon the carrier to provide it's A-number to the consumer on either the contract for service or the receipt for service.

Costs associated with the notice requirements will be borne by the industries. Complaint decals will be provided by the Commission for a nominal cost, consistent with the cost of production.<sup>2</sup>

We believe that the proposed notice requirements are designed to provide the public with sufficient notice without being unduly burdensome to the industries. We believe that providing consumer notice will aid the public and enhance transportation service.

*Therefore, It Is Ordered That:*

1. This Tentative Order shall be entered.
2. A copy of this Order shall be published in the *Pennsylvania Bulletin*.
3. An original and nine copies of any comments are to be filed and received by the Commission within 30 days of publication. Comments shall be filed with Secretary James McNulty, Pennsylvania Public Utility Commission,

<sup>2</sup> The current cost estimate is \$2 to \$3 per decal.

P. O. Box 3265, Harrisburg, PA 17105-3265. All Comments must note the caption and docket number of this proceeding. The contact person is John Herzog, Bureau of Transportation and Safety, (717) 783-3714.

JAMES J. MCNULTY,  
*Secretary*

**Appendix A**

For Complaints and Information  
Contact the PA Public Utility Commission  
<http://puc.paonline.com> or 1-800-782-1110

Include the Company Name & A-Number For All Complaints

This Company's A-Number Is

[Pa.B. Doc. No. 02-323. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 18, 2002, as set forth at 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.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00118596. Tamaqua Community Ambulance Association, Inc., t/d/b/a Tamaqua E.M.S. Advanced Life Support** (98 North Railroad Street, Tamaqua, Schuylkill County, PA 18252), a corporation of the Commonwealth of Pennsylvania, persons in paratransit service who require care or medical treatment between points: (1) in Schuylkill County as follows: the boroughs of Tamaqua, Coaldale, Shenandoah, Frackville and McAdoo, the city of Pottsville and the townships of West Penn, Rush, Walker, Schuylkill, Ryan and Kline; (2) in Carbon County as follows: the boroughs of Weatherly, Lansford, Leighton and the township of Banks; (3) in Luzerne County as follows: the city of Hazleton and points located within an airline radius of 15 statute miles of the limits of the city of Hazleton that are located within Luzerne County; and (4) in Lehigh County as follows: the township of Salisbury. *Attorney:* Jeffrey P. Bowe, P. O. Box 290, Tamaqua, PA 18252-0290.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-324. Filed for public inspection February 22, 2002, 9:00 a.m.]

**Telecommunications**

**A-311140F0005; A-310213F0007 and A-310125F0004. AT&T Broadband Phone of Pennsylvania, LLC,**

**AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh.** Application of AT&T Broadband Phone of Pennsylvania, LLC, AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh for approval of the transfer of certain cable telephony assets, facilities and equipment from AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh to AT&T Broadband Phone of Pennsylvania, LLC.

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 March 11, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* AT&T Broadband Phone of Pennsylvania, LLC, AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh.

*Through and By Counsel:* Daniel Clearfield, Esquire, Alan Kohler, Esquire, Wolf, Block, Schorr and Solis-Cohen, 212 Locust Street, Suite 300, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-325. Filed for public inspection February 22, 2002, 9:00 a.m.]

Pennsylvania, LLC begins to furnish service as an interLATA and intraLATA interexchange toll reseller, interLATA and intraLATA interexchange toll facilities-based carrier; nonswitched competitive access provider; and competitive local exchange carrier; and for Winstar Wireless of Pennsylvania, LLC to abandon telecommunications services in this Commonwealth.

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 March 11, 2002, under 52 Pa. Code (relating to public utilities).

*Applicants:* Winstar of Pennsylvania, LLC and Winstar Wireless of Pennsylvania, LLC.

*Through and By Counsel:* Jean L. Kiddoo, Esquire, Brett P. Ferenchak, Esquire, Swidler, Berlin, Shereff, Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007-5116.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-327. Filed for public inspection February 22, 2002, 9:00 a.m.]

### Telecommunications

**A-310935F0006 and A-310200F0006. Verizon Pennsylvania, Inc. and Verizon Advanced Data, Inc.** Joint Application of Verizon Pennsylvania, Inc. and Verizon Advanced Data, Inc. for approval of the reintegration of Verizon Advanced Data Inc. services into Verizon Pennsylvania, Inc. including, inter alia, the transfer of assets.

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 March 11, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Verizon Pennsylvania, Inc. and Verizon Advanced Data, Inc.

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Malatesta Hawke and McKeon LLP, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-326. Filed for public inspection February 22, 2002, 9:00 a.m.]

### Telecommunications

**A-311171; A-311171F0002; A-311171F0003; A-311171F0004; and A-310280F2000. Winstar Wireless of Pennsylvania, LLC and Winstar of Pennsylvania, LLC.** Emergency Joint Application of Winstar Wireless of Pennsylvania, LLC and Winstar of Pennsylvania, LLC for approval of the assignment of assets and authorization to provide telecommunications services whereby Winstar of

### Water Service Without Hearing

**A-220008F2000. Borough of Bellefonte.** Application of the Borough of Bellefonte for approval of the abandonment of water service to the Townships of Spring, Benner and College, Centre 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 March 11, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Borough of Bellefonte.

*Through and By Counsel:* Tracey Benson, Esquire, Miller, Kistler, Campbell, Miller, Williams and Benson, Inc., 124 North Allegheny Street, Bellefonte, PA 16823.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-328. Filed for public inspection February 22, 2002, 9:00 a.m.]

### Water Service Without Hearing

**A-212070F0003. The Newtown Artesian Water Company.** Application of The Newtown Artesian Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in a portion of Wrightstown Township, Bucks County, PA, east

and north of Route 413, east and south of Wrightstown-Taylorsville Road and west and north of Stoopville Road.

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 March 11, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* The Newtown Artesian Water Company.

*Through and By Counsel:* Thomas T. Niesen, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-329. Filed for public inspection February 22, 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



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.

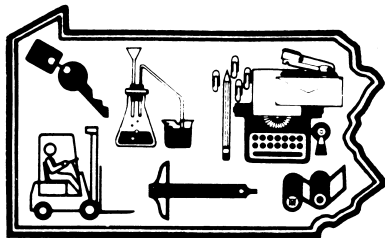
Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

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 a 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 #242** Reinshaw Work Offset Probing #WPRO-RC40. Reinshaw Laser Tool Offset Probing #IPRO-RL.

**Department:** General Services  
**Location:** Pennsylvania State University, Leonhard Building, University Park, PA 16802  
**Duration:** Due Date: 2-26-02  
**Contact:** Mr. Steven Blazer (814) 865-5418

**1230181** Envelopes, #10 White, Double Window. For a copy of bid package fax request to (717) 787-0725.

**Department:** Revenue  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**3610-04** This contract includes the Lease with Purchase Option, Lease with Fair Market Value Option, Installment Purchase, and Outright Purchase of Offset Printing Equipment and Supplies. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 04/01/02 - 03/31/05  
**Contact:** Vendor Services (717) 787-2199

**State Bid #241** Aerotech Inc. #U600BASE-8MB Unidex 600 and accessories.

**Department:** General Services  
**Location:** Pennsylvania State University, Leonhard Building, University Park, PA 16802  
**Duration:** Due 2-25-02  
**Contact:** Mr. Steven Blazer (814) 865-5418

**8251570** 1 Ton Dump Truck, Diesel. 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

**1221381** Tandem Axle Dump Truck. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**7910-02 RIP #3, Supp #2** Rebid in Part #3 and Supplement #2. Floor Polishers, Vacuum Cleaners & Related Equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: Date of Award - 10/31/02  
**Contact:** Vendor Services (717) 787-2199

**1248111** Video Communications Systems. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1273151** Commonwealth of Pennsylvania Telephone Directory. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

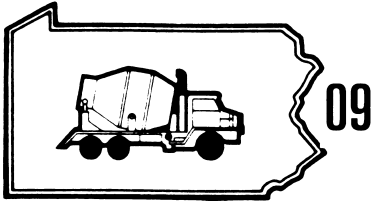
**LBLA 1283** Assistive Devices: Shower/Commode Chairs; Standing Tables; Mat Platforms. Fax request for bid package to (570) 372-5675.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, 1000 US Highway 522, Selingsgrove, PA 17870  
**Contact:** Arletta K. Ney, PA (570) 372-5670

**8251550** Passenger Van, 9 Passenger. 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

# SERVICES



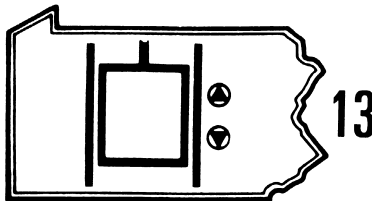
## Construction & Construction Maintenance

**SU-2001/28** INVITATION TO BID - SHIPPENSBURG UNIVERSITY: SU-2001/28: Gilbert & Horton Hall Electrical Service Upgrade. Shippensburg University of the State System of Higher Education invites Electrical Contractors to request bid documents for this project. Work includes installation of a 500 kVA pad mounted transformer and provide an oil containment enclosure at Horton Hall. (transformer provided by University). Provide oil containment enclosure for existing 150 kVA pad mounted transformer at Gilbert Hall. Provide handhole and conduit ductbank, secondary distribution equipment, etc. Prospective Bidders may obtain project plans by requesting in writing or by fax to Entech Engineering, Inc., 4 South Fourth Street, P. O. Box 32, Reading, PA 19603-0032. 610-373-6667 Fax: 610-373-7537. Pre-Bid Meeting with site visit immediately to follow will be held on March 13, 2002 at 10:00 a.m. in Old Main Room 203A. Bids Due: March 26, 2002 at 4 p.m. Old Main Room 300. Public Bid Opening: March 27, 2002 at 2 p.m., Old Main Room 203B. Contracts, MBE/WBE and Prevailing Wages apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Deborah K. Martin (717) 477-1121

**401-BL-649.1** Roof Replacement Scranton Commons, Schuylkill and Montour Halls - Provide all labor, material and equipment necessary to remove the existing roofs, ballast and insulation down to the existing steel deck at Scranton Commons and removal of existing EPDM single ply membrane, ballast and insulation down to existing concrete deck at Schuylkill and Montour Residence Halls along with removal of the existing roof drain components and flashings. New work include the installation of built-up roof system (including installation) on all three (3) buildings along with roof drain refurbishment, new flashings and appurtenances. There will be one prime - a general contractor. To obtain a copy of the bid documents a non-refundable deposit should be sent to Burkavage Design Associates, Inc., 200 Abington Executive Park, Clarks Summit, Pa. 18411 - Telephone (570) 586-0719. All information on the prebid and bid requirements will be included in the package.

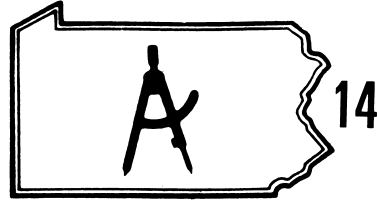
**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg PA 17815  
**Duration:** 100 Calendar Days  
**Contact:** Joseph C. Quinn (570) 389-4311



## Elevator Maintenance

**304-902** The AWARDED CONTRACTOR must provide a "Full Service" elevator maintenance program on the elevator equipment. Said Service shall include labor, supervision, materials, equipment, and tools necessary to maintain the elevators for the Scranton State Office Building, and the Samter Building.

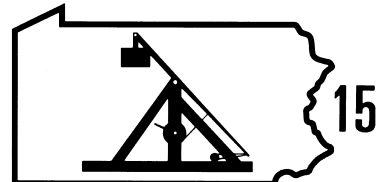
**Department:** General Services  
**Location:** Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA. 18503; Samter Building, 101 Penn Avenue, Scranton, PA. 18503  
**Duration:** Contract Period: July 1, 2002 through June 30, 2005  
**Contact:** Joseph G. Barrett (570) 963-4817



## Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



## Environmental Maintenance Service

**OSM 13(4066)101.1** Abandoned Mine Reclamation, Lansford North involves approximately 1,264,400 c.y. grading, 5,580 c.y. ditch excavation, 4,260 s.y. rock lining and seeding 70.8 acres. Federal funds are available for this project from the \$37.8 million Pennsylvania 2001 AML grant. This project issues February 22, 2002; payment in the amount of \$10.00 must be received before bid documents are sent.

**Department:** Environmental Protection  
**Location:** Lansford and Summit Hill, Carbon County  
**Duration:** 510 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**BOGM 01-39** Clean Out and Plug Seventy One (71) Abandoned Oil Wells estimated to be 800 feet each in depth; prepare and restore well site; mobilize and demobilize plugging equipment. This project issues February 22, 2002; payment in the amount of \$10.00 must be received before bid documents are sent.

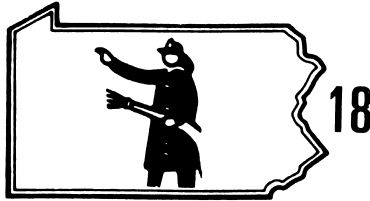
**Department:** Environmental Protection  
**Location:** Allegheny National Forest and Game Commission properties, Triumph Township, Warren County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994



## Extermination Services

**Bid #8492** Pest control (extermination) services at the Bethlehem Headquarters, New Addition, Exam Point & Crime Labs. Service to be rendered ONCE (1) a month, including emergency service at no extra charge. Service to include rat & mouse control around immediate exterior of building, as well as inside. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

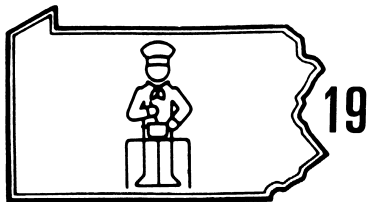
**Department:** State Police  
**Location:** Bethlehem Headquarters, 2930 Airport Road, Bethlehem, PA 18017-2149  
**Duration:** 7/1/02 to 6/30/05  
**Contact:** Donna Enders (717) 705-5951



### Firefighting Services

**Bid #8487** Furnish all labor, materials & equipment to inspect for leaks, defective parts, material, etc., and make such repairs as necessary to put extinguishers in proper working order. Vendor must furnish all new repair parts. Estimated number of units 450. 225—#10 dry chemical hydrotest. 225—#10 dry chemical recharge. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Butler Headquarters, 200 Barracks Road, Butler, PA 16001-2689  
**Duration:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951



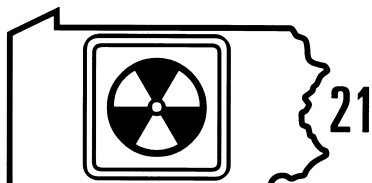
### Food

**040102-revision** The Youth Development Center in New Castle is preparing to Bid Perishable foods such as Fresh, Frozen, and Prepared Vegetables; Fresh Bread, Rolls, and Pastries; Miscellaneous Frozen Foods and Entrees; Fresh and Frozen meats, Poultry and Fish Products; Fresh Shell Eggs; Fresh Cheese and Dairy Products and Frozen Juices for the quarter April, May, June, 2002. Interested vendors should contact Kathy Zeigler, Purchasing Agent, YDC New Castle (724) 656-7308 or at KAZEIGLER@STATE.PA.US. Bids will be mailed 2/25/02 and are to be returned to YDC by 10:00 a.m. on 3/14/02.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, PA 16101  
**Duration:** April, May, June, 2002  
**Contact:** Kathy Zeigler (724) 656-7308

**M-885** Fresh/frozen/chilled meat & meat products; poultry & poultry products; fish; and, cheeses, to be delivered only at request of facility.

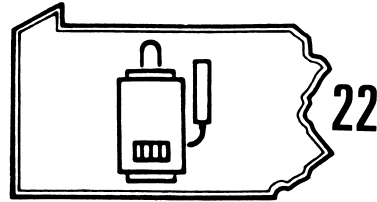
**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, F.O.B. Shipping Platform, 727 Goucher St., Johnstown, PA 15905  
**Duration:** April, May, June, 2002  
**Contact:** Christine A. Sloan, Pur. Agt. (814) 255-8228



### Hazardous Material Services

**0400DR** Provide chemical analysis, removal, recycling, transportation, disposal and overpacking (as required) for hazardous and non-hazardous waste materials within all counties of Engineering District 4-0. All quantities and items are estimated.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties.  
**Duration:** 5-Years  
**Contact:** Gerald Pronko (570) 963-4039



### HVAC Services

**1030** We are looking for an Electrician for our Maintenance Office located at 21057 Paint Blvd, Shipperville, Pa. 16254. We also have four stockpiles, located at New Bethlehem, Pa., Callensburg, Pa., Tylersburg, Pa., and I80 at Knox, Pa. Electrician should be certified and should be up to date with standards and commercial wiring. The Electrician will have a 48 hour response time to call outs.

**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, 2 miles North of I80, Exit 8 on SR 66 north, Shipperville, PA 16254  
**Duration:** Contract shall run from July 1, 2002 thru June 31, 2003. with 3 renewals at the Department's discretion.  
**Contact:** Cal J Guth (814) 226-8200

**063016** The Department of Transportation (District 6) is accepting bids for the maintenance and repair of heating and cooling systems at the Delaware County Maintenance Office. To Obtain a bid package, please fax your name, address, and phone/fax number to Louis J. Porrini, Highway Maintenance Manager at 610-205-6909, or E-mail your information to lporrini@dot.state.pa.us. Bids will be opened on March 6, 2002 at 2:00 p.m. at the District 6 Office, 7000 Geerdes Boulevard in King of Prussia, PA 19406.

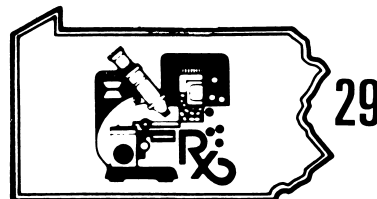
**Department:** Transportation  
**Location:** 426 South Middletown Road, Bortondale, PA 19063  
**Duration:** Two year with an option to renew.  
**Contact:** Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

**386417103** Furnish and install a water pump and electrical control panel for deep well #16.

**Department:** Conservation and Natural Resources  
**Location:** Ricketts Glen State Park, 695 State Route 487, Benton, PA 17814  
**Duration:** March 18, 2002 to June 30, 2002  
**Contact:** Sharon Molyneux (570) 477-5675

**SBC-10974022** Contractor to furnish & install Air Conditioning in first floor auditorium of Israel Building (Bldg. #26) at Warren State Hospital in accordance with DPW Specs.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 06/01/02—09/30/02  
**Contact:** John D. Sample, PA I (814) 726-4448



### Medical Services

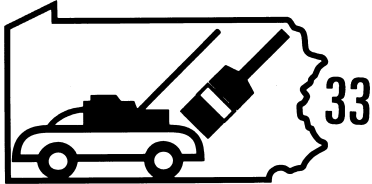
**LBLA 1284** Assistive devices: shower trolley. Fax request for bid package to 570-372-5675.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, 1000 US Highway 522, Selingsgrove, PA 17870  
**Contact:** Arletta K. Ney, PA (570) 372-5670

**#20877004** Contractor shall provide the services of Oral Surgery and Anesthesia Services to the clients of both the Ebensburg Center (Cambria County) and Altoona Center (Blair County).

**Department:** Public Welfare  
**Location:** Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931 (Cambria County); Altoona Center, 1515 Fourth St., Altoona, PA (Blair County)

**Duration:** Contract is anticipated to begin July 1, 2002 and end June 30, 2005  
**Contact:** Cora M. Davis, Purchasing Agent (814) 472-0288



### Property Maintenance

**APR #444211** The awarded contractor shall provide the necessary materials, equipment and labor to thoroughly wash all windows throughout the Philadelphia State Office Building. The exterior windows shall be washed three (3) times during each year; interior windows to be washed one (1) time per year, scheduled as follows: cleaning to start the first day of the months of July, November and March weather conditions permitting. During the second visit (November) all interior glass (918 office windows) will be cleaned.

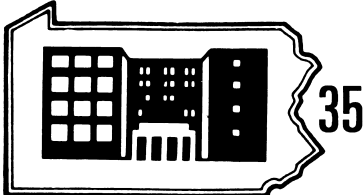
**Department:** General Services  
**Location:** Dept. of General Services, Bur. of Facilities Management, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130.  
**Duration:** July 1, 2002 thru June 30, 2005  
**Contact:** Ernest K. Keen 215-560-2521

**060030** The Department of Transportation (District 6) is accepting bids for the grounds maintenance at the District 6 Office, Chester County Maintenance Office and the Delaware County Maintenance Office. To Obtain a bid package, please fax your name, address, and phone/fax number to Louis J. Porrini, Highway Maintenance Manager at 610-205-6909, or E-mail your information to lporrini@dot.state.pa.us. Bids will be opened on March 6, 2002 at 11:00 a.m. at the District 6 Office, 7000 Geerdes Boulevard in King of Prussia, PA 19406.

**Department:** Transportation  
**Location:** Chester, Delaware and Montgomery Counties  
**Duration:** two year with an option to renew.  
**Contact:** Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

**APR #304-901** Contractor to furnish labor and equipment for removal of snow from the grounds of the Scranton State Office Building. All work to be performed in accordance with standards of the trade. Snow shall be removed after a two (2) hour notification by the Director of Bureau of Facilities Management, or his authorized representative, day or night, including weekends and holidays. All insurance coverage must be the responsibility of the contractor.

**Department:** General Services  
**Location:** Dept. of General Services, Bur. of Facilities Management, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503  
**Duration:** July 1, 2002 thru June 30, 2005  
**Contact:** Joseph G. Barrett (570) 963-4817



### Real Estate Services

**93353** LEASE TEMPORARY OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Transportation with 36000 useable square feet of temporary office space in Dauphin, Cumberland, Perry and York County, PA, with a minimum parking for 240 vehicles. The space must be located within an 8 mile radius of the City of Harrisburg. Downtown locations will be considered. For more information on SFP #93353 which is due on February 21, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Transportation  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Brad Swartz (717) 705-5764



### Sanitation

**Bid #8483** Trash & rubbish removal services at the PA State Police, Skippack Station, for the period July 1, 2002 to June 30, 2005. Service to be rendered TWICE (2) visits per week for trash/rubbish removal. Recycling services, if applicable. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Skippack Station, 2047C Bridge Road, Schwenksville, PA 19473  
**Duration:** 7/1/02 TO 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**Bid #8485** Trash & rubbish removal services at the PA State Police, Ephrata Station, for the period July 1, 2002 to June 30, 2004. Service to be rendered ONCE (1) visits per week for trash/rubbish removal. Recycling services, if applicable. 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:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8481** Trash & rubbish removal services at the PA State Police, Jonestown Station, for the period July 1, 2002 to June 30, 2005. Service to be rendered TWICE (2) a week for trash/rubbish removal. Recycling services, if applicable. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Jonestown Station, R. D. #2, Box 4070, Jonestown, PA 17038-9574  
**Duration:** 7/1/02 TO 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**Bid #8482** Trash & rubbish removal services at the PA State Police, Philadelphia Headquarters, for the period July 1, 2002 to June 30, 2005. Service to be rendered THREE (3) visits per week and recycling services to be coordinated with Troop Commander. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Philadelphia Headquarters, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** 7/1/02 TO 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**052080** Dumpster pick-up at the stockpiles within Carbon City. Trash removal service.

**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, 930 Bridge St., Lehigh, PA 18235  
**Duration:** One year period with a renewal of (4) one year renewal  
**Contact:** Mike Zoshak (610) 377-1880

**APR #304-900** Contractor to furnish labor and equipment for removal of trash, rubbish, light construction debris and mixed recyclable items/materials from the loading dock of the Scranton State Office Building Monday thru Friday no later than 7:00 a.m.

**Department:** General Services  
**Location:** Dept. of General Services, Bur. of Facilities Management, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503  
**Duration:** July 1, 2002 thru June 30, 2005  
**Contact:** Joseph G. Barrett (570) 963-4817

**Bid #8484** Trash & rubbish removal services at the PA State Police, Lima Crime Laboratory, for the period July 1, 2002 to June 30, 2004. Service to be rendered ONCE (1) visits per week for trash/rubbish removal. Recycling services, if applicable. 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:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8479** Trash & rubbish removal services at the PA State Police, Hamburg Station, for the period July 1, 2002 to June 30, 2004. Service to be rendered ONCE (1) a week for trash/rubbish removal. Recycling services, if applicable. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Hamburg Station, 90 Industrial Drive, Hamburg, PA 19526  
**Duration:** 7/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8480** Trash & rubbish removal services at the PA State Police, Schuylkill Haven Station, for the period July 1, 2002 to June 30, 2004. Service to be rendered ONCE (1) a week for trash/rubbish removal. Recycling services, if applicable. Detailed Work Schedule & Bid must be obtained from Facility Management Division.

**Department:** State Police  
**Location:** Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972  
**Duration:** 7/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951



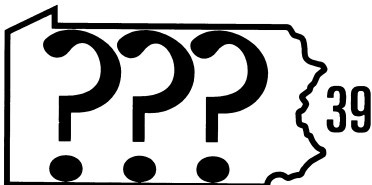
### Security Services

**1801815765** The Pennsylvania Lottery is seeking security guard service. Currently, the guard works shifts that provide coverage from 7:30 a.m. to 5:30 p.m. Monday through Friday. The Pennsylvania Lottery requires that one unarmed guard be assigned on a permanent full-time (40-50 hour/week) basis to the Lottery headquarters location. The permanent full-time guard will not be subject to other non-Pennsylvania Lottery assignments. One additional back-up guard will be required to be trained and available to assume the duties of the full-time guard when required by the Lottery, or in the case of illness or vacation of the permanently assigned full-time guard. The awarded vendor may also schedule the back-up guard if the total hours per week worked by the primary permanent full-time guard reaches 40 hours.

**Department:** Revenue  
**Location:** Department of Revenue, Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057  
**Duration:** July 1, 2002 through June 30, 2004, with options to renew by mutual agreement.  
**Contact:** Donna Fry (717) 986-4772

**304-802** The AWARDED CONTRACTOR is responsible for furnishing only trained, experienced, and competent personnel to provide security services throughout the interior and exterior of the Reading State Office Building.

**Department:** General Services  
**Location:** Reading State Office Building, 625 Cherry Street, Reading, PA 19602  
**Duration:** Contract Period: July 1, 2002 through June 30, 2005.  
**Contact:** Thomas D. Marnell (610) 378-4185



### Miscellaneous

**Bid #8488** Window Cleaning TWICE (2) a year at the PA State Police, Troop "H" Headquarters. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Troop "H" Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112  
**Duration:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8489** Window Cleaning TWICE (2) a year at the PA State Police, Clothing Warehouse, Transportation and Annex. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Clothing Warehouse, Transportation and Annex, 20th & Herr Streets, Harrisburg, PA 17120  
**Duration:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8486** Pumping maintenance on a 2,000 gallon holding tank as per the DEP Regulations at the Hazleton Aviation facility. Work will be on an as needed basis. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Hazleton Aviation Facility, R. R. #1, Box 200, Hazleton, PA 18201  
**Duration:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**350R11(REBID)** The Department of Transportation is re-issuing a Request for Proposals to solicit contractors interested in assisting PENNDOT in completing and implementing, as required by PENNDOT, the remaining short-term and mid-term goals of the Statewide Bicycle and Pedestrian Master Plan. The Plan envisions the Commonwealth as a place where residents and visitors of all ages can choose to bicycle and walk with confidence, safety, and security in every community. In addition, the successful contractor will measure the degree of increase for bicycle/pedestrian usage for improved facilities and improved access to those facilities; update the Bicycling Directory of Pennsylvania (PENNDOT 316); and provide continued support for Metropolitan Planning Organizations (MPOs) and Local Development Districts (LDDs) to enhance and assist their efforts in bicycle/pedestrian planning. Interested contractors may request a copy of the RFP by FAXING their name, company name, address, telephone number, and FAX number to Vikki Mahoney at (717) 783-7971. Please reference RFP #350R11 (REBID) on your request.

**Department:** Transportation  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** 3 years  
**Contact:** Darlene Greenawald (717) 705-6476

**SP3510021788** Provide pickup and delivery of baghouse lime from Pleasant Gap, Pennsylvania to Sprout State Forest, Renovo, Pennsylvania, for the Department of Environmental Protection, Bureau of Abandoned Mine Reclamation.

**Department:** Environmental Protection  
**Duration:** Through 12/31/02  
**Contact:** Sherry Morrow (717) 772-1216

**Bid #8490** Window Cleaning TWICE (2) a year at the PA State Police, Lancaster Headquarters. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602-3384  
**Duration:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8491** Window Cleaning TWICE (2) a year at the PA State Police, Dunmore Headquarters. 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:** 7/1/02 TO 6/30/04  
**Contact:** Donna Enders (717) 705-5951

[Pa.B. Doc. No. 02-330. Filed for public inspection February 22, 2002, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>	<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1201161-01	02/11/02	Dupont Flooring Systems	119,624.00	8251410-01	02/11/02	River's Truck Center	199,306.00
1226111-01	02/11/02	Huxley Envelope	261,800.00	8251540-01	02/11/02	Sealmaster Industries	29,835.00
8129670-01	02/11/02	Calcium Chloride Sales	54,230.00	8260360-01	02/11/02	Conrad Industries/ A B Emblem	33,306.00
8251320-01	02/11/02	Stephenson Equipment	133,960.00			KELLY POWELL LOGAN, <i>Secretary</i>	

[Pa.B. Doc. No. 02-331. Filed for public inspection February 22, 2002, 9:00 a.m.]

